

(Decision No. 1640)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE UNLAWFUL MOTOR VEHICLE)
OPERATIONS OF THE INTERSTATE)
BUS LINES, INC.)

COMPLAINT NO. 362

March 20, 1928.

STATEMENT

By the Commission:

IT APPEARS, from the records of the Commission that the above respondent has not paid the tax as compensation for the use of the public highway and for the maintenance, repair and construction of the same, as required by Section 7, Chapter 134, Session Laws of 1927, for the month of November, 1927, on express only, as reported in the sum of .09, and for the months of December, 1927, and January, 1928, as reported in the sum of \$20.67 and \$70.81 respectively. Such delinquency is a ground for the revocation by the Commission of the certificate of public convenience and necessity issued to the above respondent.

The Commission is of the opinion that sufficient grounds exist for it to issue an order upon the respondent herein to show cause why the certificate issued to the above respondent should not be revoked and cancelled.

ORDER

IT IS THEREFORE ORDERED, That the Interstate Bus Lines, Inc. be,

and it is hereby, required to show cause by written statement filed with the Commission within ten days of the date hereof why the Commission should not revoke and cancel the certificate issued herein.

IT IS FURTHER ORDERED, That this matter be set down for hearing on April 5, 1928, at 10:00 A.M., at the Hearing Room of the Commission, 305 State Office Building, Denver, Colorado, at which time said respondent may appear and give such testimony and make such showing as it may deem proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utho Buck
Don L. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1928.

PUC-29

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF))
ALBERT FOURET AND JOSEPH FOURET,))
CO-PARTNERS, DOING BUSINESS AS FOURET))
BROTHERS AND AS THE RED BALL AUTO))
SERVICE, FOR A CERTIFICATE OF PUBLIC))
CONVENIENCE AND NECESSITY.))

APPLICATION NO. 921

March 24, 1928.

S T A T E M E N T

By the Commission:

IT APPEARING, That Charles Maxday, Sr., Inc., on December 28, 1927, filed application for rehearing in the above entitled case, and on March 15, 1928, counsel for Charles Maxday, Sr., Inc. makes request that application for rehearing be withdrawn.

O R D E R

IT IS THEREFORE ORDERED, That the above application for rehearing be, and the same is hereby, ordered withdrawn.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm. Bock
David S. Jones
H. A. Jones
Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1928.

At a General Session of the Public Utilities Commission of the State of Colorado, held at its office in Denver, Colo. on the 2nd day of April, 1928.

INVESTIGATION AND SUSPENSION DOCKET NO. 102

In re: Changes in Rates for the Roaring Fork Water, Light and Power Company.

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IT APPEARING, That there have been filed with the Public Utilities Commission of the State of Colorado by the Roaring Fork Water, Light and Power Company a complete schedule of rates, designated,

Colo. P.U.C. No.1

effective April 2, 1928, stating material changes in rates for electric service for the City of Aspen and which for some consumers are increases, and,

IT FURTHER APPEARING, That the City of Aspen by its mayor and city council under date of March 28, 1928 have formally protested this schedule of rates becoming effective, reciting at length the injurious effect on its citizens and petitioning that the Public Utilities Commission thoroughly investigate the situation and records of the company and the efficiency of its performance of services, and that until such investigation and hearing has been had that the rates of this company as of December 31, 1927, which schedule is designated as

Colo. P.U.C. No.—Supplement No.1 by adoption

shall remain in effect.

IT IS ORDERED, That the Commission enter upon an investigation and hearing to be held at a date to be later designated concerning the propriety of the changes proposed and the lawfulness of the schedules enumerated.

IT IS FURTHER ORDERED, That the said proposed schedule be suspended and that the issue of the rates, rules and charges therein be deferred until the 31st day of August, 1928, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That pending said hearing and decision therein, the respondent utility shall file no schedules of rates providing for any increases and the rates as now in effect and sought to be cancelled by the schedules herein suspended shall remain in effect and force, and

IT IS FURTHER ORDERED, That the Secretary of this Commission be, and he is hereby, directed to serve upon the utility issuing the above named schedule a

certified copy of this order, and that a copy of the same be served on F. D. Willoughby, Mayor of the City of Aspen, in reply to said protest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter D. Cook
James L. Jones
Walter Allen
Commissioners.

Dated at Denver, Colorado, this
2nd day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JOHN J. HANKS AND BYRON S. BUNKER,)
A CO-PARTNERSHIP DOING BUSINESS UNDER)
THE NAME OF THE DEERTRAIL TRUCK LINE,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 705

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April 3, 1928.
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S T A T E M E N T

By the Commission:

IT APPEARING, That the above application was set for hearing at the
Hearing Room of the Commission, Denver, Colorado, April 6, 1928, at 10:00 o'clock
A.M.:

On March 30, Attorney for applicant asks that the application be with-
drawn. The Commission will, therefore, dismiss the application and vacate the
hearing.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the same
is hereby, dismissed; and that hearing set for April 6, 1928, at 10:00 o'clock
A.M. be vacated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock
Don S. Jones
W. M. Allen
Commissioners

Dated at Denver, Colorado, this
3rd day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE)
DENVER AND RIO GRANDE WESTERN RAILROAD)
COMPANY FOR AN ORDER AUTHORIZING THE)
WAIVING OF COLLECTION OF UNDERCHARGES)
AMOUNTING TO \$9.30 ON TWO CARLOAD SHIP-)
MENTS CORRUGATED PAPER FROM DENVER,)
COLORADO TO PORTLAND, COLORADO, JUNE)
21, 1927.)

APPLICATION NO. 1084

April 3, 1928.

S T A T E M E N T

By the Commission:

This matter being before the Commission upon an application made informally by The Denver and Rio Grande Western Railroad Company for an order of the Commission authorizing waiving of collection of undercharges amounting to \$9.30 on two carload shipments of corrugated paper (25,700 pounds) from Inland Paper Box Company, Denver, Colorado, consigned to Colorado Portland Cement Company, Portland, Colorado, June 21, 1927.

It appears that the shipper ordered one 50 foot car for this movement, but owing to the inability of the carrier to furnish a 50 foot car, they placed two cars of smaller dimensions and handled the two cars on the basis of one car.

Corrugated paper in carloads is rated fourth class, minimum weight 24,000 pounds, subject to Rule 34, as provided in items 1, 2 and 3, page 40, Supplement 41, effective January 10, 1927 to Western Classification No. 59, R. G. Fyfe's Colo. P.U.C. No. 8. Rule 34 of the Classification provides a minimum weight of 38,880 pounds for a 50 foot car when the minimum weight is 24,000 pounds for a 36 foot 7 inch car. Item 380-A, paragraph D, page 5, Supplement 3 to freight tariff D. & R. G. W. G.F.D. No. 4900-F Colo. P.U.C. No. 126 provides an exception to the classification, in part as follows: "Between all stations on standard gauge lines taking Groups C, D, F or G basis of rates and all stations on standard gauge lines taking Groups A,B, C,D,F or G basis of rates, minimum carload weight as authorized in Current

Western Classification, but not to exceed 30, 000 pounds." Denver is in Group A and Portland in Group C territories.

The agent at Portland thru error collected charges on the basis of actual weight (25,700 pounds) at the 54½ cent rate, which should have been collected on the basis of the 30,000 pounds minimum.

Prior to the time these shipments moved the Inland Paper Box Company had the matter up with the D. & R. G. W. people relative to the establishment of a rate of 60 cents per 100 pounds, minimum carload weight 14,000 pounds, for a 36 feet 7 inch car, subject to Rule 34 for cars of greater length, on corrugated paper from Denver to Portland, which the D. & R. G. W. agreed to publish. However, same was not published until the publication of Amendment 99, effective June 22, 1927 to freight tariff D. & R. G. W. G.F.D. No. 4900-F, Colo. P.U.C. No. 126, or subsequent to the movement involved in this application.

It is admitted by The D. & R. G. W. R.R. by Geo. Williams, its Freight Traffic Manager, that the charges to be collected are unreasonable and upon authority of the Commission they will waive collection of same.

The Commission finds that the charges assessed on the basis of the legal rate and minimum weight on these shipments were excessive and unreasonable to the extent that they exceeded the amount that would have accrued on the basis of a rate of 60 cents per 100 pounds at the actual weight of the combined shipments and an order will be issued authorizing waiving collection of undercharges amounting to \$9.50.

ORDER

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company be, and is hereby, authorized and directed to waive collection of undercharges amounting to \$9.50 on two carload shipments handled as one

shipment of corrugated paper (25,700 pounds) from Inland Paper Box Company, Denver, Colorado, to Colorado Portland Cement Company, Portland, Colorado, covered by waybills Nos. 5838 and 5839 dated June 21, 1927, and

IT IS FURTHER ORDERED, That this rate and minimum weight shall not be exceeded for a period of one year from the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. H. Bock
David S. Jones
H. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF THE)
DENVER AND RIO GRANDE WESTERN RAILROAD)
COMPANY FOR AN ORDER AUTHORIZING THE)
WAIVING COLLECTION OF UNDERCHARGES)
AMOUNTING TO \$2.82 ON ONE LESS THAN CAR-)
LOAD SHIPMENT OF BLACK POWDER FROM LOUVIERS,)
COLORADO TO BARBOUR, COLORADO, AUGUST 31,)
1927.)

APPLICATION NO. 1083

- - - - -
April 5, 1928
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S T A T E M E N T

By the Commission:

This matter being before the Commission upon an application made informally by The Denver and Rio Grande Western Railroad Company for an order of the Commission authorizing waiving collection of undercharges amounting to \$2.82 on one less than carload shipment consisting of ten boxes of black powder, 565 pounds, from Dupont & Company, Louviers, Colorado, consigned to Barbour Coal Company, Barbour, Colorado, August 31, 1927.

The shipment was thru error, on the part of the Agent at Louviers, prepaid on the basis of a rate of \$1.67 per 100 pounds. The legal rate applicable was \$2.17 per 100 pounds, constructed by the use of a rate of \$1.67 Cwt., Louviers, Colorado, to Kebler No. 2 as published at index 365 under group letter B and commodity group 4 in less than carload column on page 13 of freight tariff D. & R. G. W., G.F.D. 5355-D, Colo. P.U.C. 47, effective October 28, 1922, plus 50¢ Cwt. from Kebler No. 2, intermediate to Walsenburg, Colorado, to Barbour, Colorado, intermediate to Alamo, Colorado, which is the double first-class rate, the first class rate being 25¢ per 100 pounds/^{as} published at index 74¹/₂, page 90 of freight tariff D.&R.G.W. G.F.D. 4900-F, Colo. P.U.C. No. 126, effective June 15, 1926. Intermediate application applied per item 525-A, page 6, Supplement 3 to Colo. P.U.C. 126. Double first-class rating per item 12, page 28, Supplement 41, effective January 10, 1927 to Western Classification No. 59, R.C.Pyfe's Colo. P.U.C. No. 8, effective February 10, 1925.

Prior to the time this shipment moved the D.&R.G.W. had in effect a

commodity rate of \$1.67 per 100 pounds from Louviers to Kebler No. 2, a point 8 miles east of Barbour, and upon notice of the difference between the rate applicable to Barbour as against the one to Kebler No. 2, the D. & R. G. W. instituted the necessary steps to place this territory on the same rate. However, the change was not published until the publication of Amendment No. 8, effective March 1, 1928 to freight tariff D. & R.G.W. G.F.D. No. 5355-B Colo. P.U.C. 47 or subsequent to the movement.

It is admitted by the D. & R.G.W. RR. by W. M. Carey, its Assistant General Freight Agent, that the charges to be collected are unreasonable and upon authority of the Commission they will waive collection of same.

The Commission finds that the charges assessed on the basis of the legal rate on this shipment were excessive and unreasonable to the extent that they exceeded the amount that would have accrued on the basis of a rate of \$1.67 and an order will be issued authorizing waiving collection of undercharges amounting to \$2.82.

ORDER

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company be, and is hereby, authorized and directed to waive collection of undercharges amounting to \$2.82 on one less than carload shipment consisting of ten boxes of black powder (565 pounds) from Dupont & Company, Louviers, Colorado, consigned to Barbour Coal Company, Barbour, Colorado, covered by waybill No. 68, dated August 31, 1927, and

IT IS FURTHER ORDERED, That this rate shall not be exceeded for a

period of one year from the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock

Day L. Jones

Harry W. Allen
Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1928.

(Decision No. 1646)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WALTER BYRON FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 511

April 4, 1928

STATEMENT

By the Commission:

This application was set down for hearing at the Hearing Room of the Commission, Denver, Colorado, on March 8, 1927, at 10:00 o'clock A.M. No appearance was made.

ORDER

IT IS THEREFORE ORDERED, That the application of Walter Byron, No. 511, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter Byron
David L. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF LEE SMITH FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 603

April 4, 1928

STATEMENT

By the Commission:

This application was heard on December 13, 1927, at the Court House, Alamosa, Colorado. On December 15, 1927, counsel for applicant filed a motion to dismiss the application.

ORDER

IT IS THEREFORE ORDERED, That the application of Lee Smith, No. 603, be, and the same is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. H. Brock
Samuel S. Jones
Arthur H. Allen
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF HENRY SCHULZ FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 759

April 4, 1928

S T A T E M E N T

By the Commission:

This application was set down for hearing at the Court House,
Greeley, Colorado, on September 13, 1927, at which time counsel for appli-
cant moved to dismiss this application.

O R D E R

IT IS THEREFORE ORDERED, That the application of Henry Schulz, No.
759, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter Bock
Don L. Jones
Harry A. Miller
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
LESLIE H. DUNNELLS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 716

April 4, 1928

STATEMENT

By the Commission:

This application was set down for hearing at the Court House,
Greeley, Colorado, on September 13, 1927. No appearance was made.

ORDER

IT IS THEREFORE ORDERED, That the application of Leslie H. Dun-
nells, No. 716, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
David S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE SAN LUIS VALLEY BUS COMPANY FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 793

April 4, 1928

S T A T E M E N T

By the Commission:

This application was set down for hearing at the Court House, Wal-
senburg, Colorado, on September 27, 1927. On August 31, 1927, a statement
was filed by the applicant requesting the Commission to dismiss the same.

O R D E R

IT IS THEREFORE ORDERED, That the application of The San Luis Val-
ley Bus Company, No. 793, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter Bock
Edgar S. Jones
John A. Allen
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF JACK W. HUDSON FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 932

April 4, 1928

S T A T E M E N T

By the Commission:

This application was set down for hearing on March 21, 1928, at 10:00 o'clock A.M., at the Hearing Room of the Commission, Denver, Colorado. On March 17, 1928, the Commission was advised by James A. Hudson, father of the applicant, that the applicant has permanently removed from the State and therefore the application should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the application of Jack W. Hudson, No. 932, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock
Daniel L. Jones
W. A. Kelly
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JAMES L. PINKUS AND F. M.
PINKUS,

COMPLAINANTS,

vs.

SAM REDMAN,

DEFENDANT.

CASE NO. 323

April 4, 1928

STATEMENT

By the Commission:

On December 16, 1927, this Commission was advised by counsel for the complainants that all of the subject matter of the complaint for relief having been met by the defendant the complaint may be dismissed without prejudice to the rights of the complainants to recover damages by action in the civil courts.

ORDER

IT IS THEREFORE ORDERED, That the complaint herein be, and the same is hereby, dismissed without prejudice to the rights of the complainants to recover damages by action in the civil courts.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

U. B. Borch
W. L. Jones
W. L. Williams
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JESSE MILLER, C. J. ERTTEL AND BRUCE)
CAPRON FOR ASSIGNMENT OF CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 967

April 4, 1928

STATEMENT

By the Commission:

On September 28, 1927, counsel for applicants advised this Commission that the above application had been withdrawn and that the same may be closed in our files.

ORDER

IT IS THEREFORE ORDERED, That the application of Jesse Miller, C. J. Ertel and Bruce Capron, No. 967, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Brock
D. J. Jones
W. M. Miller
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN THE MATTER OF BLUE LINE STAGES,)
INC., A CORPORATION, FOR CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1025

April 3, 1928.

Appearances: Thos. R. Woodrow, Esq., Denver, Colorado, for The
Denver and Rio Grande Western Railroad Company;
D. Edgar Wilson, Esq., Denver, Colorado, for The
Chicago, Rock Island and Pacific Railway Company;
J. Q. Dier, Esq., Denver, Colorado, for The Colorado
and Southern Railway Company and the Chicago, Bur-
lington and Quincy Railroad Company;
E. G. Knowles, Esq., Denver, Colorado, for the Union
Pacific Railroad Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate to operate as a motor
vehicle carrier of passengers in interstate exclusively.

The rail carriers filed a motion to dismiss the application
because the same does not conform to the requirements as set forth in
the rules and regulations governing motor vehicle carriers in failing to
set forth the following:

- (a) The name of the state in which said applicant is incorporated.
- (b) The date of its authorization to do business in the State of
Colorado.
- (c) A certified copy of its incorporation or charter.
- (d) A certificate from the Secretary of State of Colorado that it
has complied with the laws of and is entitled to do business in the State
of Colorado.
- (e) Names of its chief stockholders.
- (f) A description of the equipment to be operated in the proposed
service.
- (g) The reasonable value of said equipment.
- (h) A financial statement showing applicant's ability and resources

and details indicating the permanency of the industry to be established by the applicant.

(1) A complete statement of the franchises, licenses, permits or other authority required or obtained by the applicant as provided in C.L. 1921, Section 2946.

This matter was set down on the motions to dismiss and hearing was had on April 2, 1928 at 10 A.M. in the Hearing Room of the Commission. No appearance was made for the applicant.

J. Nelson Truitt, Esq., who filed this application for the applicant, appeared and stated that, owing to certain disagreements between him and his client, it was his desire to withdraw as counsel which he did. He stated also that he notified Mr. V. A. Cornelison, the manager of applicant's business, some ten days ago that he would withdraw and would have nothing further to do with the case and also advised him of the time and place of this hearing. The Chairman of the Commission also received a telegram from Mr. Cornelison to the effect that it was impossible for him to return to Denver by the 2nd of April.

The questions raised on the motions to dismiss are in the opinion of the Commission so meritorious that a postponement of an argument thereon would avail nothing. Hence, the Commission permitted argument on these motions. Rule II of the rules and regulations governing motor vehicle carriers provides that the application should allege, among other facts, the matters set out in the motions to dismiss. These facts are very necessary in order for the Commission to determine in the first instance whether the applicant is properly incorporated and is permitted to do business within the State of Colorado and also whether the applicant's operation is of sufficient reliability and dependability to properly protect public safety and to assure a proper conduct upon the public highways of this state. Some of the questions raised directly involve the police power that the state possesses over the public highways.

After a careful consideration of the motions to dismiss, the Commission is of the opinion that the same should be granted.

ORDER

IT IS THEREFORE ORDERED, That the motions to dismiss the application herein be, and the same are hereby, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. H. Brock
D. M. S. Jones
A. B. Allen
Commissioners.

Dated at Denver, Colorado, this
3rd day of April, 1928.

(Decision No. 1655)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE: UNLAWFUL MOTOR VEHICLE)
OPERATION OF W. H. CROWL.)

CASE NO. 361

April 7, 1928.

S T A T E M E N T

By the Commission:

This is a complaint on the Commission's own motion, charging the respondent with failing to pay the tax required by Section 7, Chapter 134, Session Laws of 1927, for the months of August and September, 1927.

This matter was set down for hearing at the Hearing Room of the Commission, State Office Building, Denver, Colorado, on April 5, 1928. It appears from the evidence introduced herein that the respondent has failed to pay the tax for the months of August and September, 1927, that he has been mailed statements from this Commission from time to time calling his attention to this delinquency. A report by an Inspector of this Commission, dated January 21, 1928, states that the respondent left the State of Colorado on or about November last, and at the present time his whereabouts are unknown. Under these circumstances the Commission is of the opinion that the certificate issued to the respondent herein should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued to the respondent in Application No. 906,

on July 30, 1927, be, and the same is hereby, revoked, cancelled and held
for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. Bock
Don S. Jones
Commissioners.

Dated at Denver, Colorado, this
7th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE: UNLAWFUL MOTOR VEHICLE)
OPERATION OF HENRY G. BUKEY)
-----)

CASE NO. 359

April 7, 1928
- 2 -

S T A T E M E N T

By the Commission:

The Commission filed a complaint against the respondent, charging him with failing to file monthly reports and payment of tax for August, September, October and November, 1927.

This matter was set down for hearing at Denver, Colorado on April 5, 1928 at 10:00 A.M. The evidence shows that the respondent has, since the filing of this complaint, satisfied all of the charges made in said complaint.

O R D E R

IT IS THEREFORE ORDERED, That the complaint herein be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. Bock
David S. Jones
Commissioners.

Dated at Denver, Colorado, this
7th day of April, 1928.

(Decision No. 1657)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE UNLAWFUL MOTOR VEHICLE)
OPERATIONS OF DAVID D. MANNISON.) CASE NO. 358

April 7, 1928

Appearances: David D. Mannison, per se.

S T A T E M E N T

By the Commission:

The Complaint herein charges the respondent with failing to file his monthly reports and paying the tax as required by Chapter 134, Session Laws of 1927, for the months of August, September, October, November and December, 1927, and January, 1928.

This matter was set down for hearing at Denver, Colorado, on April 5, 1928 at 10:00 A. M. The respondent appeared and testified that he has since the filing of this complaint paid the tax for August and September, 1927, and that his operation, being a seasonal one, was discontinued on October 1st, 1927, to be resumed on June 1, 1928.

Under these circumstances an order will be entered dismissing this complaint.

O R D E R

IT IS THEREFORE ORDERED, That the complaint herein be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

U. B. Brock
David L. Jones
W. H. [unclear]
Commissioners.

Dated at Denver, Colorado
this 7th day of April, 1928.

(Decision No. 1656)

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

IN RE UNLAWFUL MOTOR VEHICLE)
OPERATIONS OF THE AIRLINE BUS) CASE NO. 356
AND TRANSPORTATION COMPANY.)

April 7, 1928

S T A T E M E N T

By the Commission:

The Commission on its own motion filed a complaint against the above respondent, charging that it has not filed its monthly reports as required by Section 10, Chapter 134, Session Laws of 1927, certifying under oath upon forms prescribed by this Commission summaries of its daily records showing the passenger miles traveled and the ton miles hauled during the months of September, October, November and December, 1927, and January and February, 1928, and that the respondent has failed to pay the tax required by Section 7, Chapter 134, Session Laws 1927 for the months of September, October, November and December, 1927, and January, 1928. This complaint was set for hearing at Denver, Colorado, on April 5, 1928, at 10:00 o'clock A. M. No appearance was made by the respondent.

The testimony adduced sustains all of the charges contained in the complaint. Under these circumstances an order will issue cancelling the certificate.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and

necessity issued in Application No. 795, on March 25, 1927, to the respondent,
The Airline Bus and Transportation Company, be and the same is hereby revoked,
cancelled and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utto Bock

Dan S. Jones

Albert C. Allen
Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN RE: UNLAWFUL MOTOR VEHICLE)
OPERATIONS OF W. W. BLACK AND)
HARRY BROOKS, DOING BUSINESS)
AS BLACK & BROOKS GARAGE.)

CASE NO. 553.

April 7, 1928.

S T A T E M E N T

By the Commission:

The above complaint by the Commission was set for hearing at Denver, Colorado on April 5, 1928, at 10:00 o'clock A.M. It appears from the testimony that since the filing of this complaint Harry G. Brooks, one of the respondents, has filed the reports as required for the months of December, 1927, and January and February, 1928, and also has paid the tax for November and December, 1927, and January and February, 1928.

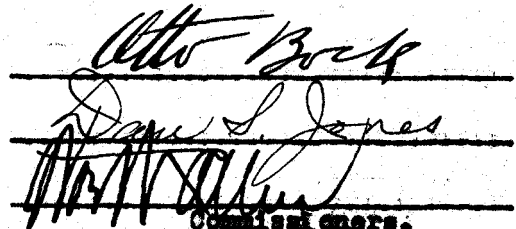
It appears that W. W. Black has no further connection with this operation. Respondent Brooks should at his earliest convenience file an application with this Commission to have this certificate transferred to him. A long delay in this matter may jeopardize the certificate under which he now operates.

O R D E R

IT IS THEREFORE ORDERED, That the complaint herein be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado, this
7th day of April, 1928.


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF PUBLIC UTILITIES CONSOLIDATED)
CORPORATION FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO EXERCISE FRANCHISE RIGHTS.)
-----)

APPLICATION NO. 1074

April 5, 1928

Appearances: Devine, Preston & Sterer, Esqs., Pueblo, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

On March 21, 1928, Public Utilities Consolidated Corporation filed its application praying for a certificate of public convenience and necessity authorizing the applicant to exercise rights granted by the city of La Junta, the city of Rocky Ford, the town of Swinok, and the board of County Commissioners of Otero County and to make extensions of its facilities, lines, plant and system into and the furnishing of gas for light, heat, power and other purposes in the territory contiguous to its facilities, lines, plant and system.

No objection to the application has been filed or made. A hearing was duly had thereon in the court house in the city of Pueblo on March 30, 1928.

The applicant is a corporation organized and existing under and by virtue of the laws of the State of Arizona, and has qualified itself to exercise its corporate powers and to do business in the State of Colorado. It is duly authorized and empowered to purchase or otherwise acquire, own and operate facilities, lines, plants and systems for the manufacture, generation, production, accumulation, transmission and distribution of gas for light, heat, power and other purposes and to acquire, construct, maintain and operate systems of gas works, etc. The applicant is under contract to

acquire by purchase the plant, facilities, lines, system and other property of The Otero County Gas Company, a public utility, operating in the city of La Junta, the city of Rocky Ford, the town of Swink and serving customers along its line between La Junta and Rocky Ford.

On November 17, 1915, the city council of the city of La Junta, Colorado, passed and approved an ordinance authorizing The Rocky Mountain Gas Company, its successors and assigns, to construct, maintain, own and operate gas works, gas factories and appliances, including all necessary fixtures and appurtenances for manufacturing, supplying and distributing gas for light, heat, power and other purposes to public and private buildings, persons, firms and corporations in the city of La Junta, for a period of twenty years from and after the date of final passage and publication of said ordinance.

On November 18, 1915, the city council of the city of Rocky Ford passed and approved an ordinance granting to The Rocky Mountain Gas Company, its successors and assigns, the right, privilege and franchise to build gas works, gas factories, gas plants and appliances, to lay gas mains and pipes and to distribute gas for light, heat, power, fuel, manufacturing, mechanical and other purposes in and along the streets, public grounds and highways in the city of Rocky Ford for a period of twenty years from and after the date of passage of said ordinance.

On October 16, 1915, the board of trustees of the town of Swink, Colorado, duly passed and approved an ordinance authorizing The Otero Gas Company, its successors and assigns, to construct, maintain, own and operate gas works, gas factories and appliances, including all necessary fixtures and appurtenances for manufacturing, supplying and distributing gas for light, heat, power and other purposes to public and private buildings, firms, persons and corporations in the said town of Swink for a period of twenty years from and after five days after final passage and publication thereof.

On June 12, 1915, the board of county commissioners of Otero County, Colorado, adopted a resolution granting to The Otero Gas Company, its successors and assigns, for a term of twenty-five years from and after the date of adoption of said resolution, the right, privilege and franchise to lay, construct, maintain, renew, repair and operate a line of pipe with the necessary connections, appliances and appurtenances along, over, upon, and

under and across any and all public highways of said county of Otero then existing or thereafter laid out for the purpose of transmitting gas for light, heat, cooking, power and other purposes. The said resolution, the rights, privileges and franchises granted thereby were accepted by said The Otero Gas Company by written acceptance filed with the clerk of said board of county commissioners on June 16, 1915.

Thereafter each and all of the rights and privileges granted by said ordinances and resolution hereinbefore described, were duly assigned, transferred and conveyed to The Otero County Gas Company, which since on or about April 2, 1921, has been and now is exercising said rights, privileges and franchises.

The evidence shows that if and when a certificate is granted to the applicant herein it will become by sale, transfer and assignment, the owner not only of the physical assets of said The Otero County Gas Company but also all of its said rights and privileges. Since the three ordinances and the resolution of the said board of county commissioners are before us in their entirety and no uncertainties exist and nothing remains but the formalities of closing the contract of purchase, the Commission sees no need of entering the usual order preliminary.

The evidence shows that the applicant is a responsible operating company. The capital investment of the company, as shown by the evidence, is seventy-three thousand dollars. However, this amount shall not be binding on the Commission in any valuation hearing held for the purpose of determining reasonable rates.

After considering the evidence we are of the opinion and so find that the public convenience and necessity does now and in the future will require the exercise by Public Utilities Consolidated Corporation of all rights and privileges heretofore granted by the cities of La Junta and Rocky Ford to The Rocky Mountain Gas Company, and by the town of Swink and the board of county commissioners of Otero County to The Otero Gas Company, as aforesaid.

We further find that the public convenience and necessity does now and in the future will require that the applicant be authorized to furnish gas for light, heat, power and other purposes if and when it may be practicable

to whomever may desire the same in the territory contiguous to the said cities of La Junta and Rocky Ford, and the said town of Swink and to the territory along which the applicant's line now runs between the city of La Junta and the city of Rocky Ford, and that the applicant be granted authority to extend its facilities or lines, plant and system thereto and therein provided any desired extension is made before the territory into which the extension is to be made may be lawfully served by another public utility of like character.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity does now and in the future will require the exercise by Public Utilities Consolidated Corporation of all rights and privileges heretofore granted by the cities of La Junta and Rocky Ford to The Rocky Mountain Gas Company and by the town of Swink and the board of county commissioners of Otero County to The Otero Gas Company, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity does now and in the future will require that the applicant be authorized to furnish gas for ^{heat,} light, power and other purposes if and when it may be practicable to whomever may desire the same in the territory contiguous to the said cities of La Junta and Rocky Ford, and the said town of Swink and to the territory along which the applicant's line now runs between the city of La Junta and the city of Rocky Ford, and that the applicant be granted authority to extend its facilities or lines, plant or system thereto and therein provided any desired extension is made before the territory into which the extension is to be made may be lawfully served by another public utility of like character, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file with the Commission on or before May 1, 1928, a certificate made by its secretary stating the date on which the transfer has been made of the assets of The Otero County

Gas Company to the applicant, Public Utilities Consolidated Corporation.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock

Dan S. Jones

H. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 5th day of April, 1928.

(Decision No. 166)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
THE BOARD OF COUNTY COMMISSIONERS OF)
THE COUNTY OF ELBERT, STATE OF COLO-)
RADO, FOR THE OPENING OF A PUBLIC)
HIGHWAY CROSSING OVER THE RIGHT-OF)
WAY AND TRACKS OF THE UNION PACIFIC)
RAILROAD COMPANY NEAR THE STATION OF)
CEDAR POINT.)

APPLICATION NO. 863

April 9, 1928

S T A T E M E N T

By the Commission:

This proceeding arises out of the application of the Board of County Commissioners of Elbert County, Colorado, filed in compliance with Section 29 of the Public Utilities Act, as amended April 16, 1917, for the opening of a public highway crossing at grade over the main line track, side track, and the right-of-way of the Union Pacific Railroad Company at a point just west of Cedar Point station on the line of said railroad in Elbert County, Colorado.

On September 12, 1927, this Commission entered an order in the above entitled application, Decision No. 1426, but because of certain corrections suggested by the parties hereto the Commission has decided to rescind and withdraw that order and substitute the instant order therefor.

The application alleges that the crossing is necessary to provide access to the state highway paralleling the railroad along its east side for a large number of people residing south and west of the railroad, and is necessary for the establishment of a rural post route for the accommodation of people residing in that territory.

On April 21, 1927, the Commission's engineer, in company with the engineer of the railroad company, the county commissioners and county engineer of Elbert County, made an investigation of the site of the proposed crossing.

It was believed by all concerned that a public highway crossing in that vicinity is a convenience and necessity. But it was found also that the site proposed for the crossing in the application is objectionable on account of crossing a side track, and dangerous also because of the obstructed view to the eastward from the proposed site. The site is at the end of a curve passing through a railroad cut which greatly restricts a clear view of the tracks. Other sites adjacent to the proposed site were then considered. An excellent site for an overhead bridge was found a short distance east of the station but this was eliminated on account of the cost being out of proportion to the advantages of the crossing. An undergrade crossing at the railroad bridge about one-fourth mile west of proposed site was then taken under consideration. Surveys made of this location disclosed that by crossing under the east end of this bridge a road approaching the crossing could be so located as to be free of snow that usually accumulates in the draw at the bridge. A lateral clearance under the bridge of only 12.7 feet and a vertical clearance of only 13 feet could be obtained for crossing under the bridge as at present constructed. This appeared to be sufficient for the present needs of this crossing, and the matter was taken up with the County Commissioners for their tentative approval of the crossing at this bridge. Under date of June 8, 1927, the Commissioners approved the location of the crossing under said railroad bridge, provided the railroad company would agree to do all the rip-rapping for the roadway under the bridge. The railroad company on August 23, 1927, through its attorney, agreed to the location of the crossing desired under its bridge herein referred to located at Mile Post 565.56.

Therefore from the foregoing facts and the records in the case it is the opinion of the Commission that a public highway crossing is a convenience and necessity as set out in the application and that the point selected for an undergrade crossing at the aforesaid railroad bridge is the most feasible site, and that the clearance at present provided at the crossing will be sufficient

for the present needs of the crossing. It is understood, however, that if and when the future public convenience, necessity and safety require additional horizontal clearance at this crossing, the Commission may give further consideration to this particular matter and may enter such order as may be necessary and proper at that time.

Therefore, in view of the mutual understandings that have been arrived at between all the parties concerned herein, the Commission will now make its order, without further proceedings, authorizing the construction of an underpass public highway crossing over the property of said Union Pacific Railroad Company at the said railroad bridge as agreed upon.

O R D E R

IT IS THEREFORE ORDERED, in accordance with Section 29 of the Public Utilities Act of the State of Colorado, as amended April 16, 1917, that a public highway crossing below grade be, and the same is hereby, permitted to be opened and established under the main line track and over the right-of-way of the Union Pacific Railroad Company near the east end of the bridge located at Mile Post 563.56 of said railroad in the County of Elbert, State of Colorado, provided however, that a lateral clearance of 12.7 feet and a vertical clearance of 13 feet shall be allowed as minimum clearances for the roadway under said railway bridge, the highway to be located in accordance with the plan designated as "Plat" and attached hereto as a part of this order.

IT IS FURTHER ORDERED, That the expense for the construction and maintenance of grading for the highway over the property of the railroad company for said crossing, including the necessary drainage therefor, shall be borne by said Elbert County, and that any expense necessary to protect the highway under said bridge or adjacent thereto from ordinary wash or erosion by drainage under the bridge shall be borne by the respondent, the Union Pacific Railroad Company.

IT IS FURTHER ORDERED, That Decision No. 1426 heretofore entered in the above entitled cause on September 12, 1927, be, and the same is hereby,

rescinded and withdrawn and the instant order substituted therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock

Dan S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1926.

(Decision No. 1662)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF THE STANLEY POWER COMPANY FOR)
A CERTIFICATE OF PUBLIC CONVENI-)
ENCE AND NECESSITY.)

APPLICATION NO. 892

April 9, 1928.

S T A T E M E N T

By the Commission:

On November 7, 1927, the Commission entered an order in which it pointed out that inasmuch as the facility, line, plant or system was constructed prior to 1917, the applicant needs no certificate authorizing such construction and that the Commission could not grant a certificate therefor, and that since the applicant has no franchise, permit, ordinance, vote or other authority from the town of Estes Park, a certificate to exercise the rights granted by such a franchise, permit, ordinance, vote or other authority could not be granted and that, therefore, in that state of the record no certificate whatever could be granted by the Commission.

In the order the Commission stated that it would upon application and the making of necessary proof, issue a certificate to the applicant if and when it should obtain and file proof with the Commission thereof, a franchise, permit, ordinance, vote or other authority. Nothing whatever has been heard from the attorney for the applicant since that time. There remains, therefore, nothing for the Commission to do except to dismiss the application.

O R D E R

IT IS THEREFORE ORDERED, That the application of The Stanley Power Company herein filed, for the reasons herein stated, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock
James O. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1928.

(Decision No. 1665)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF M. J. KING, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

APPLICATION NO. 500

April 9, 1926.

Appearances: Thos. R. Woodrow, Esq., Denver, Colorado,
attorney for Rio Grande Motor Way, Inc.
and T. H. Mahoney.

S T A T E M E N T

By the Commission:

On December 30, 1925, M. J. King filed his application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system between Bonanza and Salida, Colorado. Thereafter The Denver and Rio Grande Western Railroad Company, T. H. Mahoney, The San Luis Valley Bus Company and Scenic Line Service Club of Alamosa filed written objections.

The case was duly set and was called for hearing in Salida on March 26, 1926. The applicant did not appear when his case was called or at any time during the day while the Commission was in session at the place at which he was notified the hearing would be held.

O R D E R

IT IS THEREFORE ORDERED, That the application of M. J. King for a

certificate of public convenience and necessity to operate a motor vehicle system
between Bonanza and Salida, Colorado, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Uto Bock

Dan S Jones

W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1928.

(Decision No. 1664)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF D. W. BRATTON FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 527

April 9, 1928.

Appearances: D. W. Bratton, Salida, Colorado, pro se;
Thos. R. Woodrow, Esq., Denver, Colorado,
attorney for Rio Grande Motor Way, Inc.,
and T. H. Mahoney.

S T A T E M E N T

By the Commission:

On March 15, 1926, D. W. Bratton filed an application for a certificate of public convenience and necessity authorizing an operation of a motor vehicle system between the town of Bonanza and the city of Salida, Colorado, for the transportation of passengers, baggage, small packages and parcels. Thereafter answers and protests were filed by The Denver and Rio Grande Western Railroad Company, The San Luis Valley Bus Company and Rio Grande Motor Way, Inc.

The case was duly set for hearing in Salida on March 26, 1928. At the hearing it developed that the applicant does not desire a certificate to conduct regular operations, but that he does desire to conduct an irregular operation in the form of a taxi service, using Salida as his headquarters. The

applicant produced only one witness besides himself. That witness stated that the people of Bonanza need a daily operation.

Aside from the meagerness of the testimony, the Commission could not on application for an order authorizing a regular operation between two points, issue a certificate authorizing an irregular operation of a taxi service. Other persons and corporations should have notice of such an application.

The Commission is of the opinion and so finds that inasmuch as the applicant is no longer seeking the certificate which his application asks for, the application should be dismissed.

ORDER

IT IS THEREFORE ORDERED, That the application of D. W. Bratton, applicant herein, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers, baggage, small packages and parcels between Bonanza and Salida, Colorado, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Brock
D. L. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF JOHN HANSEN, JR. FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1036.

April 9, 1928.

Appearances: T. Lee Witcher, Esq., Canon City, Colorado,
attorney for applicant;
Thos. R. Woodrow, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company.

S T A T E M E N T

By the Commission:

On January 25, 1928, John Hansen, Jr. filed an application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of goods, wares, merchandise and commodities between the towns of Silver Cliff and Westcliffe and the city of Pueblo and the intermediate points of Florence and Wetmore on the route designated as the "Hardscrabble Route" and the intermediate points of Florence, Canon City, Texas Creek and Hillside on the route designated as the "River Route."

Thereafter written objections were filed by The Atchison, Topeka and Santa Fe Railway Company and The Denver and Rio Grande Western Railroad Company.

The case was regularly set for hearing and was heard in the court house in Canon City on March 27, 1928. Westcliffe is the terminal point of a branch line of The Denver and Rio Grande Western Railroad which runs from Texas Creek, a point on the main line of said railroad company. Hillside is an intermediate point on said branch. Silver Cliff is a little over a mile from Westcliffe and is not reached by a railroad. The population of Westcliffe is from three to four hundred and of Silver Cliff about one hundred and fifty.

The evidence shows that the said branch line of the railroad is operated at quite a substantial loss and that the volume of traffic, aside from cattle, hay, potatoes, head lettuce, peas and cauliflower, which is not great, is extremely small. In spite of this, the railroad furnishes tri-weekly service between Texas Creek and Westcliffe. The applicant was asked whether or not if the Commission authorizes the proposed motor vehicle operations by him, the public served by said branch line would be willing to have their rail service curtailed. He stated that he believed they would not. It is obvious that sufficient loss of business on this branch line might possibly make it incumbent on the Commission, if so requested, to authorize the curtailment of service thereon. The statement of the Montana Board of Railroad Commissioners in re Hugh Kelly, P.U.R. 1927A, 852,855, is in part applicable here:

"It would be unfair to Philipsburg residents to cloud the issue by false hopes of both train and motor vehicle service. Based on the past five years' experience this statement can, and should be, made at this time: The admission of a competitive motor carrier to the Drummond-Philipsburg branch must mean the elimination of passenger service and severe diminution of rail freight service. The rail branch is now operated at a heavy loss; it is sustained by a great system, but total dependence on system strength is unfair to shippers who must meet the bills. As a mining and agricultural center Philipsburg is in fact vitally dependent upon continuing rail service. Based on revenues it now contributes to the branch, present service can only continue if the loss sure to be inflicted by a competitive motor vehicle carrier is avoided, and avoided now.

We quote also from Maryland Public Service Commission in re Red Star Line, P.U.R. 1927B, 145, 157:

"Additional transportation, which is offered now, may result in less transportation of a character that is vital to the needs of the people."

As was stated in re Red Star Line, Inc., supra:

"no excuse should unnecessarily be given rail carriers to endeavor to cut down the service they are now rendering."

Train service is still a necessity. A motor vehicle operation might be considered a public convenience and necessity to a town situated on the main line of a railroad over which operations must of necessity be continued, whereas the same service for a town situated on a branch line operated at a

heavy loss, might very properly be held not to be a public convenience and necessity.

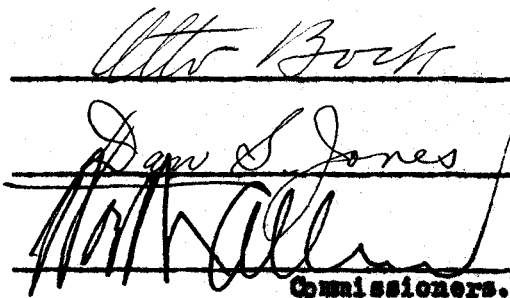
While some explanation was made by the applicant of the difficulty of getting the merchants and other citizens of the communities situated on the branch line to come and testify in his behalf, it would seem that if these citizens seriously wanted such service they would take the necessary time and inconvenience to appear at the hearing.

After careful consideration of the evidence we are of the opinion and so find that the public convenience and necessity does not require the motor vehicle operation of the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the application of the applicant, John Hansen, Jr., for a certificate of public convenience and necessity be, and the same is hereby, denied.

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


Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1928.

(Decision No. 1667)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF T. H. MAHONEY FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1065

April 9, 1928.

Appearances: Thos. R. Woodrow, Esq., Denver, Colorado,
for the applicant and Rio Grande Motor
Way, Inc.

S T A T E M E N T

By the Commission:

On March 6, 1928, T. H. Mahoney, filed an application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers, hand baggage and parcel freight between Villa Grove, Colorado and Bonanza, Colorado. On March 21, the Commission received a letter from the General Attorney of The Denver and Rio Grande Western Railroad Company in which it was stated that said company desires to file no protest, and that Mr. Mahoney for a great many years prior to the discontinuance of the railroad's passenger train between Salida and Alamosa, had made regular connections with the railroad at Villa Grove and handled passengers and baggage between Villa Grove and Bonanza. The case was regularly set for hearing in Salida on March 26, 1928, and was heard at that time.

The evidence shows that for a number of years the applicant has operated between Bonanza and Villa Grove, making regular connections first with The Denver and Rio Grande Western Railroad Company and its predecessor, later with Rio Grande Motor Way, Inc., which succeeded to the passenger operations of the railroad company between Salida and Alamosa. The applicant has a contract for the carrying of mail between Bonanza and Villa Grove. Bonanza is situated in a mining community and has no rail or authorized motor vehicle service. Its nearest point on the railroad is Villa Grove,

through which point the said Rio Grande Motor Way, Inc. operates its busses. The Rawley mine which, the evidence shows, is conducting extensive operations, is situated about a mile and a half beyond Bonanza. At the hearing the applicant asked for and secured permission to amend his application so as to ask for authority to conduct operations between the Rawley mine and Villa Grove, passing through Bonanza. The time schedule of the applicant is as follows:

Leave Bonanza	8:15 A.M.	arrive Villa Grove,	9:15 A.M.
"	Villa Grove	11:00 A.M.	" Bonanza 12:00 Noon.
"	Bonanza	3:00 P.M.	" Villa Grove 4:00 P.M.
"	Villa Grove	5:30 P.M.	" Bonanza 6:30 P.M.

With such a time schedule the applicant would connect with both the north-bound and south-bound bus of the Rio Grande Motor Way, Inc.

The evidence shows that the applicant's operations are dependable and that he is in every way reliable. His equipment consists of a bus of the value of fifteen hundred (\$1,500.00) dollars and a truck of the value of twelve hundred (\$1,200.00) dollars.

After careful consideration of the testimony the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle operation by the applicant, T. H. Mahoney, for the transportation of passengers, hand baggage and parcel freight between Rawley mine and Villa Grove, via Bonanza.

● R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity does now and in the future will require the motor vehicle carrier operation of the applicant, T. H. Mahoney, for the transportation of passengers, hand baggage and parcel freight between Rawley mine and Villa Grove via Bonanza, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utho Brock
Daniel S. Jones
Commissioners

Dated at Denver, Colorado,
this 9th day of April, 1928.

(Decision No. 1668)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE ATCHISON, TOPEKA AND SANTA)
FE RAILWAY COMPANY FOR THE CLOS-)
ING OF ITS STATION AT GANN,)
DOUGLAS COUNTY, COLORADO.)

APPLICATION NO. 1968

April 9, 1928.

Appearances: Erl H. Ellis, Esq., Denver, Colorado
attorney for applicant.

S T A T E M E N T

By the Commission:

On February 18, 1928, The Atchison, Topeka and Santa Fe Railway Company filed its application for discontinuance of its station at Gann, Douglas County, Colorado. The case was regularly set for hearing on March 24, 1928, in the hearing room of the Commission in Denver, at which time there appeared a member of the board of county commissioners of Douglas County with the county attorney for said county, and the attorney for the applicant. No witnesses appeared except possibly the said county commissioner. Both sides desired to have time in which to procure witnesses. The matter was thereupon continued to April 9, 1928, in the hearing room of the Commission in Denver.

The matter came on for hearing in regular order at the time fixed. No appearance was made except for the applicant.

The evidence shows that the business done at the Gann station has

virtually vanished. The ticket receipts at that station in 1924 amounted to \$456.00. They have been dropping off about fifty percent for each succeeding year. The total receipts for 1927 being \$49.00. No freight at all has for a long time been received at said station for shipment therefrom and none has been delivered there except such as is prepaid and is set out on a siding.

In the last three months the agent has sold one ticket. Only north-bound trains pass the Gann station. No train stops at the station on the working hours of the agent. Two trains stop there and will continue to stop on flag. The passengers boarding said trains, one being a train of the Denver and Rio Grande Western Railroad arriving at 6:31 A.M., the other a train of the applicant arriving at 9:05 P.M. Passengers boarding said trains may pay their fares thereon which are the same as they would be if they had been bought from a station agent.

The express revenues at the station in the year 1927 were \$1.75.

There is another station, Louviers, situated three-fourths of a mile from Gann which the applicant proposes to continue.

The station at Gann was formerly maintained principally for the blocking of trains by the agent and telegrapher. Because of the proximity of other stations and the present volume of traffic, the applicant does not consider it necessary that it maintain a telegrapher at Gann.

Regular motor bus service is afforded at Gann, being three busses going north to Denver daily, one at 9:50 A. M., another at 2:35 P.M. and a third at 5:45 P.M.

After careful consideration of all the testimony, the Commission is of the opinion and so finds that the public convenience and necessity does not require the railroad station of the applicant at Gann, Douglas County, Colorado.

ORDER

IT IS THEREFORE ORDERED, That The Atchison, Topeka and Santa Fe Railway

*For supporting papers
see I. R. D. No. 777*

(Decision No. 1669)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE)
DENVER AND RIO GRANDE WESTERN RAILROAD)
COMPANY AND THE COLORADO AND SOUTHERN)
RAILWAY COMPANY FOR AN ORDER AUTHORIZING)
THE WAIVING COLLECTION OF UNDERCHARGES)
AMOUNTING TO \$3.50 AND REPARATE \$42.00)
ON ONE CARLOAD SHIPMENT OF PLASTER FROM)
WILDS SPUR BILLED AT LOVELAND, COLORADO,)
TO ALAMO, COLORADO, OCTOBER 11, 1926.)
-----)

APPLICATION NO. 1096

April 16, 1928.

S T A T E M E N T

By the Commission:

This matter is before the Commission upon an application made informally by The Denver and Rio Grande Western Railroad Company and The Colorado and Southern Railway Company for an order of the Commission authorizing waiving collection of undercharges amounting to \$3.50 and repairing \$42.00 on one carload of plaster from United States Gypsum Company, Wilds Spur, billed at Loveland, consigned to H. E. Tedron, Alamo, Colorado, October 11, 1926, routed via Colo. & Sou., Pueblo, D. & R; G. W. to destination.

The shipment was billed and the charges collected by the agent at Loveland, on the basis of 30,000 pounds at 37 cents per 100 pounds. The legal rate applicable was $31\frac{1}{2}$ cents per 100 pounds based $11\frac{1}{2}$ cents cwt. minimum weight 30,000 pounds from Wilds Spur to Pueblo, per item 3661, page 178, Colo. & Sou., Colo. P.U.C. No. 440, 20 cents cwt. minimum weight 40,000 pounds Pueblo to Alamo, the class "C" rating for distance of 80 miles, per table One, page 230, D. & R. G. W. Colo. P.U.C. No. 126, Class "C" rating and carload minimum weight per item 11, page 349, Western Classification Colo. P.U.C. No. 8.

Prior to the time this shipment moved the D. & R. G. W. had in effect commodity rates on cement and plaster from Concrete, Portland and Pueblo to various destinations in the vicinity of Alamo. However, there was no published

commodity rate to Alamo until the publication of Amendment No. 9, effective July 10, 1927 to D. & R. G. W. Colo. P.U.C. No. 73, providing a rate of $13\frac{1}{2}$ cents per 100 pounds on plaster, carloads, minimum weight 30,000 pounds.

By the use of the combination rule in Jones' tariff Colo. P.U.C. No. One, authorized in item 500-C, page 2, Supplement 13 to Colo. & Sou, Colo. P.U. C. No. 440, the two commodity factors namely $11\frac{1}{2}$ cents to Pueblo and $13\frac{1}{2}$ cents beyond, reduce the thru rate to 23 cents per 100 pounds.

It is admitted by the carriers the charges to be collected are unreasonable and upon authority of the Commission they will waive collection of same and reparate down to the basis of 23 cents cwt. for the through movement.

The Commission finds that the charges assessed on the basis of the legal rate on this shipment were excessive and unreasonable to the extent that they exceeded the amount that would have accrued on the basis of a 23 cent rate and an order will be issued authorizing the waiving of collection of undercharges amounting to \$3.50 and reparation of \$42.00.

The reparation order will be issued on the informal reparation docket.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company and The Colorado and Southern Railway Company, be, and are hereby authorized and directed to waive the collection of undercharges amounting to \$3.50 on one carload shipment of plaster from United States Gypsum Company, Wilds Spur, billed at Loveland, consigned to H. E. Tedron, Alamo, Colorado covered by Colo. & Sou. waybill No. 1157, October 11, 1926 and

IT IS FURTHER ORDERED, That this rate shall not be exceeded for a period of one year from the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elton Bork

John S. Jones

W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 16th day of April, 1928.

(Decision No. 1670)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF THE HILL TOP AND DENVER TRUCK
LINE FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.

APPLICATION NO. 802

April 17, 1928

S T A T E M E N T

By the Commission:

An order was entered by the Commission on March 12, 1928, denying the application for a certificate of public convenience and necessity. On March 19, 1928, the applicant filed a motion for rehearing. Among other things, it is alleged in said motion that because of the distance of Denver from the residences of most of the customers of the applicant, he was compelled to forego their testimony.

After considering the motion, the Commission is of the opinion that a further hearing should be granted the applicant and that the hearing should, if possible, be heard at Castle Rock or some other point located near the point of origin of the applicant's business.

O R D E R

IT IS THEREFORE ORDERED, That a further hearing of the application herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED, That the testimony heretofore taken shall be

made a part of the further hearing and that all evidence introduced at the further hearing shall be new and additional evidence and not a repetition of that already given.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock

W. A. McAllister

Commissioners.

Dated at Denver, Colorado,
this 17th day of April, 1928.

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(Decision No. 1671)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

IN THE MATTER OF THE APPLICATION)
OF THE DENVER & CROWN HILL RAIL-)
WAY COMPANY FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)
- - - - -

APPLICATION NO. 1075

- - - - -
April 17, 1928
- - - - -

Appearances: W. B. King, Esq., Denver, Colorado,
Attorney for the applicant.

S T A T E M E N T

By the Commission:

On March 21, 1928, The Denver & Crown Hill Railway Company filed its application for a certificate of public convenience and necessity authorizing the temporary operation of a motor bus line from the terminal point of the Denver Tramway Corporation's line into the Crown Hill Cemetery, which is owned by The Crown Hill Cemetery Association. The application was set down for hearing on April 16, 1928, in the hearing room of the Commission in Denver and was heard at that time and place.

The applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado. It is a subsidiary of The Crown Hill Cemetery Association which also is a Colorado corporation. The Crown Hill Cemetery Association is the owner of a large tract of land known, platted and used as Crown Hill Cemetery, situated in Jefferson County, Colorado, about a mile and a half west of the city and county of Denver. The terminal point of a line of the Denver Tramway Corporation serving the cemetery is about a mile and a half from the cemetery entrance. Heretofore the applicant has been operating a street car from said terminal point to the cemetery. This operation has proved very expensive and unprofitable. Moreover during certain times of the year, because of weather conditions causing mud to flow upon the tracks, the operation of the street car has

been interrupted.

The applicant proposes during a test period of one year to operate on schedule a White automobile bus with a seating capacity of twenty-six people from the terminal point of the tramway corporation's line to all points in the cemetery including the point of location of a large mausoleum therein. The investment in said bus, which is being overhauled and repainted, will be thirty five hundred (\$3,500) dollars.

At the present time no authority is sought to discontinue operation of the applicant's street car which it is proposed for the time at least to operate as a supplemental and reserve mode of transporting passengers.

No objection has been filed. The county commissioners of Jefferson County, by their attorney, have written the Commission endorsing the application.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires the issuance of a certificate to The Denver & Crown Hill Railway Company, authorizing the operation for one year from this date of a motor bus line for the transportation of passengers from the terminal point of the street car line of the Denver Tramway Corporation to various points in the Crown Hill Cemetery located in Jefferson County, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the operation by The Denver & Crown Hill Railway Company of a motor bus line for the transportation of passengers for a period of one year, from the terminal point of the Denver Tramway Corporation's line to various points in the Crown Hill Cemetery situated in Jefferson County, Colorado, and this certificate shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of

rates, rules and regulations and time schedules as required by the Rules and Regulations of this Commission covering motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Bock
Ray S. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado, this
17th day of April, 1928.

[Decision No. 1672]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PUBLIC UTILITIES CONSOLIDATED)
CORPORATION FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1074

April 28, 1928.

STATEMENT

By the Commission:

On April 5, 1928, the Commission made an order constituting a certificate of public convenience and necessity authorizing the exercise of certain franchise rights by the applicant. In said order it was required that the applicant file with the Commission on or before May 1, 1928, a certificate made by its secretary stating the date on which the transfer of the assets of The Otero County Gas Company is made. The Commission is now in receipt of a letter from Messrs. Devine, Preston and Storer, attorneys for the applicant, advising the Commission that the date for effecting the proposed transfer to the applicant has been postponed, and requesting that the time for filing the said certificate be extended to June 30, 1928.

ORDER

IT IS THEREFORE ORDERED, That the time for filing with the Commission a certificate by the secretary of the Public Utilities Consolidated Corporation, applicant herein, stating the date on which the transfer has been made of the

assets of The Otero County Gas Company be, and the same is hereby, extended to
and including June 30, 1928.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elmer Bock

David S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

(Decision No. 1673)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
O. W. TOWNSEND, DOING BUSINESS UNDER)
THE NAME AND STYLE OF THE CORNHUSKER)
STAGE LINES, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)
-----)

APPLICATION NO. 1054

April 20, 1928

Appearances: Harry S. Class, Denver, Colorado, Attorney for
applicant;
J. Q. Dier, Denver, Colorado, Attorney for The
Colorado and Southern Railway Company;
E. G. Knowles, Denver, Colorado, Attorney for
Union Pacific Railroad Company;
D. Edgar Wilson, Denver, Colorado, Attorney for
Colorado Motor Way, Inc.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing a motor vehicle transportation system for passengers between Denver, Colorado and the Colorado-Wyoming state line, exclusively in interstate transportation. Protests were filed against this application by The Colorado and Southern Railway Company, the Colorado Motor Way, Inc., and the Union Pacific Railroad Company.

A hearing was had on the above application on March 23, 1928, at 10:00 o'clock A.M., in the Hearing Room of the Commission, Denver, Colorado, at which time testimony in support of the same was received. The evidence is undisputed as to the responsibility of the applicant and his dependability as a motor vehicle carrier of passengers. Furthermore, the applicant is willing to submit to all the laws of the State of Colorado governing motor vehicle carriers interstate.

The route that he will follow from Denver to the Wyoming state line is designated as U.S. Highway No. 85. The proposed schedule and the fare to be charged over the route in question with stop-over privileges

indicates that there may be some conflict with the Colorado Motor Way, Inc., which is an intrastate passenger carrier between Denver and Greeley, Colorado. The fares to be charged by the applicant are on a somewhat lower basis than the intrastate carrier. It is the intention of the applicant to sell tickets with stop-over privileges at points between Denver and the Wyoming state line destined to interstate points outside of Colorado.

After a careful consideration of all the testimony in this case, the Commission is of the opinion, and so finds, that the laws of the State of Colorado and of the United States require the issuance of a certificate of public convenience and necessity to G.W. Townsend, doing business under the name and style of the Cornhusker Stage Lines, authorizing operation on U.S. Highway No. 85 between Denver, Colorado, and the Colorado-Wyoming state line.

The Commission is quite aware of the fact that it cannot by any order unduly burden interstate commerce. It can, however, and should take such steps as are reasonably necessary to prevent in proper cases the doing of intrastate business by any interstate carrier who has no authority from the Commission to engage in intrastate business. There has been made no showing in this case of any reason or necessity for the doing of intrastate business by the applicant.

The Commission has had considerable complaint against a number of interstate operators on account of many representations that they are engaging in unlawful intrastate business. The Commission, therefore, is of the opinion and so finds that the public convenience and necessity requires that the applicant be required, in the sale of interstate tickets carrying stop-over privileges, to collect from the passenger at the time of the sale of the original ticket the full amount of the fare for the interstate journey, and that the purchaser of the ticket be required by the applicant at the time of sale thereof to sign his name thereon on a line to be provided therefor, and that the same person who bought the ticket be required to present the same ticket or a portion thereof bearing his said signature

on a motor bus of the applicant when beginning the remainder of his journey, and to sign his name in the presence of the driver on another line to be provided therefor on said ticket or the portion bearing his said original signature.

O R D E R

IT IS THEREFORE ORDERED, That, in compliance with the laws of the State of Colorado and the laws of the United States, a certificate of public convenience and necessity should issue to O. W. Townsend, doing business under the name and style of the Cornhusker Stage Lines, to operate a motor vehicle system for the transportation of passengers between Denver, Colorado, and the Colorado-Wyoming state line over U.S. Highway No. 85; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That within twenty days from the date of this order the applicant shall be required to file with this Commission a tariff and the rules and regulations governing stop-over privileges on passenger tickets sold by the applicant, with stop-over privileges within this State.

IT IS FURTHER ORDERED, That the applicant be required, in the sale of interstate tickets carrying stop-over privileges, to collect from the passenger at the time of the sale of the original ticket the full amount of the fare for the interstate journey, and that the purchaser of the ticket be required by the applicant at the time of sale thereof to sign his name thereon on a line to be provided therefor; and that the same person who bought the ticket be required to present the same ticket or a portion thereof bearing his said signature on a motor bus of the applicant when beginning the remainder of his journey, and to sign his name in the presence of the driver on another line to be provided there-

for on said ticket or the portion bearing his said original signature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock

David S. Jones

Wm. A. Green

Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1928.

(Decision No. 1674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: PROPOSED CHANGES IN RATES)
OF THE MOUNTAIN STATES TELE-)
PHONE AND TELEGRAPH COMPANY)
AFFECTING THE SUBSCRIBERS IN)
FORT LUTON EXCHANGE.)

I. & S. NO. 97

April 21, 1928

S T A T E M E N T

By the Commission:

The Mountain States Telephone and Telegraph Company filed with this Commission a tariff containing a proposed increase in rates for the Fort Lupton exchange area to become effective on February 1, 1928. On January 26, 1928, the Board of Trustees of the town of Fort Lupton filed a protest with this Commission against the proposed increase in said rates. On January 27, 1928, the Commission, because of said protest, entered an order suspending said tariff until May 26, 1928, unless otherwise ordered by this Commission. On April 9, 1928, this Commission was in receipt of a statement from the Board of Trustees of the town of Fort Lupton, in which they request that their protest be withdrawn and held for naught and that said proposed rates take effect as of June 1, 1928.

Under these circumstances the Commission will enter an order permitting said tariff to become effective June 1, 1928, and discontinuing this proceeding.

O R D E R

IT IS THEREFORE ORDERED, That the tariff of The Mountain States Telephone and Telegraph Company affecting the Fort Lupton area, filed with this Commission effective February 1, 1928, become effective June 1, 1928; and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Borch
Spencer L. Jones
Wm. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF }
THE DENVER AND RIO GRANDE WESTERN }
RAILROAD COMPANY FOR AN ORDER AUTHOR- }
IZING THE WAIVING OF COLLECTION ON }
UNDERCHARGES AMOUNTING TO \$32.82 ON }
FIVE CARLOAD SHIPMENTS OF COKE FROM }
COKEDALE, COLORADO TO TRINIDAD, COLO- }
RADO IN THE MONTHS OF DECEMBER, 1925, }
FEBRUARY, JUNE, NOVEMBER, 1926, AND }
MARCH, 1927. }

APPLICATION NO. 1109

April 21, 1928.

S T A T E M E N T

By the Commission:

This matter is before the Commission upon an application made informally by The Denver and Rio Grande Western Railroad Company herein referred to as the D. & R. G. W., for an order of the Commission authorizing waiving collection of undercharges amounting to \$32.82 on five carload shipments of Coke from American Smelting and Refining Company, Cokedale, Colorado consigned to Trinidad Foundry and Machine Company, Trinidad, Colorado, December 8, 1925, February 5, June 8, and November 15, 1926 and March 21, 1927. This claim was filed with the Commission in the first instance December 5, 1927, which is within the statute of limitations.

At the time these shipments moved the legal rate in effect was \$1.30 per ton of 2000 pounds, which was the class D rate between Cokedale and Trinidad. Thru error the agent at Trinidad collected charges on the basis of a rate of 61 cents per ton which was the rate applicable on Coke Breeze; these charges were later adjusted to the basis of \$1.00 per ton.

In Amendment No. 35, effective July 15, 1927 to D. & R. G. W. G.F.D. 6249, Colo. P.U.C. No. 89, the D. & R. G. W. published a rate of \$1.00 per ton on Coke from Cokedale to Trinidad, and it is, therefore, admitted by the

D. & R. G.W. that the charges to be collected are unreasonable, and upon authority of the Commission they will waive collection of same.

The Commission finds that the charges assessed on the basis of the legal rate on these shipments were excessive and unreasonable to the extent that they exceeded the amount that would have accrued on the basis of a rate of \$1.00 per ton of 2000 pounds and an order will be issued authorizing waiving collection of undercharges amounting to \$32.82.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company, be, and is hereby authorized and directed to waive collection of undercharges amounting to \$32.82 on five carload shipments of Coke, aggregating 218760 pounds, from American Smelting and Refining Company, Cokedale, Colorado consigned to Trinidad Foundry and Machine Company, Trinidad, Colorado, covered by waybills No. 39, December 8, 1925; No. 9, February 3, 1926; No. 40, June 8, 1926; No. 59, November 15, 1926 and No. 85, March 21, 1927, and

IT IS FURTHER ORDERED, That this rate shall not be exceeded for a period of one year from the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 21st day of April, 1928.

W. B. Bock
David S. Jones
W. M. Miller
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF AN APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY FOR AN ORDER AUTHOR-)
IZING WAIVING COLLECTION OF UNDER-)
CHARGES AMOUNTING TO \$101.50 ON SEVEN)
CARLOAD SHIPMENTS OF CATTLE FROM)
MINTURN, COLORADO TO SILT, COLORADO)
DECEMBER 15 and 27, 1926.)
-----)

APPLICATION NO. 1110

April 21, 1928

S T A T E M E N T

By the Commission:

This matter is before the Commission upon an application made informally by The Denver and Rio Grande Western Railroad Company referred to herein as D. & R. G. W., for an order of the Commission authorizing waiving collection of undercharges amounting to \$101.50 on seven carload shipments of cattle from Peter Nelson, Minturn, Colorado, consigned to Peter Nelson Silt, Colorado December 15 and 27, 1926.

For a number of years it has been the practice of the D. & R. G. W. to publish what are known as summer range rates which are established in the spring of the year and expire in the fall, the purpose of which is to enable the stockmen to ship their stock to the summer ranges for grazing. These rates are on a somewhat lower level than the permanent tariff rates.

Prior to the date of the shipments in question there was in effect a rate of \$32.50 per car between Mack and Minturn which under the intermediate rule of the tariff was also applicable between Silt and Minturn. However, this rate expired October 31, 1926, leaving a rate of \$49.50 per car in effect.

The agent at Silt thru error adjusted the billing on these shipments to the basis of the \$32.50 per car rate, thus creating an undercharge of \$17.00 per car on the seven carloads. This charge was later adjusted to the basis

of \$35.00 per car by the agent at Silt upon authority of Mr. Geo. Williams, Freight Traffic Manager of the D. & R. G. W., which was the summer range rate established for the season of 1927, and was published in Amendment No. 64 to Colo. P.U.C. 48 supra, effective March 30, 1927 to expire November 30, 1927.

The Commission in authorizing reparation generally requires that the level of rates upon which the reparation claim is based be maintained for a period of one year from the date of its order. However, this case appears to be one of unusual circumstances which, if the carrier is compelled to maintain for a period of one year, would have a tendency to retard the establishment of the so-called summer range rates to the detriment of the livestock interests. The Commission will, therefore, not require the maintenance of these rates for the usual one year's time.

The Commission finds that the charges assessed on the basis of the legal rate, (i. e. \$49.50 per car) on these shipments were excessive and unreasonable to the extent that they exceeded the amount that would have accrued on the basis of a rate of \$35.00 per car and an order will be issued authorizing waiving collection of undercharges amounting to \$101.50.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company, be, and it is hereby authorized and directed to waive collection of undercharges amounting to \$101.50 on seven carload shipments of cattle from Peter Nelson, Minturn, Colorado consigned to Peter Nelson, Silt, Colorado, covered by waybills Nos. 16, 17, 18, 19 and 20 dated December 15, 1926 and Nos. 34 and 35 dated December 27, 1926.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elto Bock

Don L. Jones

H. A. Williams

Commissioners.

Dated at Denver, Colorado
this 21st day of April, 1928.

and denied his unlawful operations. Following said hearing an order making such requirement was made. The applicant continued his unlawful operations thereafter. We say again that to issue a certificate to a man guilty of this conduct puts a premium on law violation which would be disastrous to the whole theory and system of regulation.

It is further alleged in the petition for rehearing that the sentiment of the business men and others in the town herebefore served by the applicant "is now practically unanimous in favor of the granting of the said certificate." Under the law the applicant may hereafter file another application if he deems it advisable. But the time has come when the applicant's unlawful operations should cease. We do not deem it advisable to prolong them by any further hearings in this case.

The Commission, therefore, is of the opinion and so finds that no ground exists for granting a rehearing.

IT IS HEREBY ORDERED, That the application for a rehearing herein be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

SEN S. JONES

WORTH ALLEN

Commissioners.

(S E A L)

Dated at Denver, Colorado,
this 24th day of April, 1922.

I do hereby certify that the above and foregoing is a true and correct copy of the original order of the Public Utilities Commission of the State of Colorado entered in the above entitled cause and now on file in this office.

Secretary.

257
(Decision No. 1678)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION)
OF F. J. STRASBAUGH FOR A CERTIFI-) APPLICATION NO. 1062
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY.)

April 21, 1928.

Appearances: H. T. Bacon, Hudson, Colorado, for applicant;
John Q. Dier, Esq., Denver, Colorado, for
Chicago, Burlington & Quincy Railroad
Company;
D. A. Maloney, Esq., Denver, Colorado, for
The Northern Transportation Company;
A. P. Anderson, Esq., Denver, Colorado, for
Ernest Cook, doing business as The Cook
Truck Line.

S T A T E M E N T

By the Commission:

On February 29, 1928, F. J. Strasbaugh filed his application for a certificate of public convenience and necessity authorizing the operation of a motor truck service for the transportation of freight "over the State Highways of the State of Colorado--primarily between the town of Hudson and the city of Denver." Thereafter written answers and protests were filed by The Northern Transportation Company, Colorado Motor Way, Inc., Chicago, Burlington & Quincy Railroad Company and Ernest Cook, doing business as The Cook Truck Line. The case was regularly set for hearing and was heard in the Hearing Room of the Commission in Denver on April 20, 1928.

The evidence developed that the applicant has been engaged off and on for ten years in trucking operations in the Hudson vicinity, and

that he has been so engaged steadily for the last four years. His operations consist of hauling agricultural products including livestock, from the farms in the territory included in a radius of ten miles of Hudson to Hudson and Denver, beet seed from Fort Lupton and Brighton to farmers in the Hudson district, dried beet pulp from Brighton to the feeders in the district, grain from railroad cars in Hudson to the feeders and coal from the coal mines to dealers and others in and near Hudson. He is also engaged to a small extent in hauling lumber and other merchandise from Denver to business concerns in Hudson.

In the case of The Cook Truck Line, Application No. 832, the Commission found that the public convenience and necessity requires a motor vehicle operation for the transportation of general freight, without respect to the weight thereof, from Denver to Hudson, and the transportation from Hudson to Denver of agricultural products, including livestock, in less than carload lots. The evidence in this case does not tend, except possibly in one particular, to warrant a different conclusion than that reached in the Cook case. There was some evidence in this case that although the cost of hauling potatoes direct from the field to the brokers in Denver is less than the total charges for truck transportation from the field to the railroad and by rail to Denver (to say nothing of any possible drayage charges in Denver), still potatoes enjoy the same rate by rail from Hudson and Keenesburg, which is situated within the ten mile radius of Hudson, as from Denver, to various southwestern points. However, it is common knowledge that markets such as the potato market develop peculiar situations from time to time. If the movement is to the southwestern points and no saving is effected by shipping the potatoes by truck to Denver, it is rather apparent that they will not be so shipped and that shipping to Denver by truck will be only in those cases where a saving is effected.

The evidence shows that there are a number of unauthorized truck operations doing a rather large volume of business in and around Hudson. While the certificate holder, Ernest Cook, professed ability to handle all of that business, the Commission is of the opinion from the evidence in the

case that he cannot adequately conduct all the irregular truck operations in the Hudson territory. Moreover, the said Cook has no certificate authorizing the hauling of coal, beet seed, beet pulp and grain to the farmers. Neither has he any authority to haul agricultural products for them to the elevators, railroad cars or other points in Hudson.

The present equipment of the applicant consists of one $1\frac{1}{2}$ ton Graham truck and one Ford, which is used principally, if not wholly, in the transportation of gas and oil for The Continental Oil Company. The value of this equipment is \$1,000.

The Commission has heretofore been inclined to the position that in order to sustain the regulation of common carriers it is necessary that a carrier should not be engaged both as a public and private operator. For that reason the Commission is of the opinion that if the applicant procures a certificate the certificate should contain authority to transport oil and gas in the Hudson district.

After a careful consideration of all the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the operation of a motor vehicle system for the transportation of agricultural products including livestock in less than carloads from the territory included in a radius of ten miles of Hudson to Hudson and Denver only; coal from the mines in the Frederick district; dry beet pulp from Brighton; beet seed from Fort Lupton and Brighton; grain from Hudson to the feeders residing in said territory; household goods from said territory to any point within fifty miles of Hudson, and any and all other products from one point to another within said ten mile territory.

The Commission further finds that the public convenience and necessity does not require any other operations by the applicant than those stated in the preceding sentence.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity

requires the operation by the applicant, F. J. Strasbaugh, of a motor vehicle service for the (transportation of agricultural products, including livestock in less than carload lots, from the territory included in a radius of ten miles of Hudson to Hudson and Denver only; coal from the mines in the Frederick district; dry beet pulp from Brighton; beet seed from Fort Lupton and Brighton; grain from Hudson to the feeders residing in said territory; household goods from said territory to any point within fifty miles of Hudson, and any and all other products from one point to another within said ten mile territory,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That except as otherwise granted herein, the application be, and the same is hereby, denied.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
Spencer Jones
Wm. H. Miller
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

104

IN THE MATTER OF THE APPLICATION OF)
THE ACACIA AUTO COMPANY FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECES-)
SITY.)

APPLICATION NO. 618.

April 21, 1928.

S T A T E M E N T

By the Commission:

The above applicant in 1927 was issued a certificate to operate a motor vehicle carrier system for sightseeing purposes good for one year. Since that time this company has sold out its business to Thos. L. Reasoner, Application No. 594, doing business as the Gray Line Motor Tours. It is now the desire of the applicant herein to cancel its certificate.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to the applicant herein be, and the same is hereby, revoked, cancelled and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

U. B. Brock
D. S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

32

(Decision No. 1680)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF OSCAR C. BAUGHMAN FOR PERMISSION)
TO ASSIGN AND TRANSFER THE CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECESS-)
ITY ISSUED TO HIM TO C. H. WILLIAMS)
& SON.)

APPLICATION NO. 714-A

April 21, 1928.

Appearance: E. B. Upton, Esq., Cripple Creek, Colorado,
Attorney for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927, this Commission issued a certificate of public convenience and necessity to the applicant herein to operate from Green Mountain Falls, Colorado, a motor vehicle system for the convenience of the tourist and sightseeing public to the various scenic attractions in the Pikes Peak Region, said certificate to be good for one year from the date thereof. On July 26, 1927, after a hearing, the Commission authorized the transfer of the above certificate to C. H. Williams & Son, subject to such restrictions and conditions as were set forth in the certificate issued to Oscar C. Baughman.

The matter is now before the Commission on a final certificate and a request for an increase of territory. It appears from the testimony, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system proposed by the original

applicant and now operated by C. H. Williams & Son. An order will issue granting them a final certificate. The evidence shows also that there is an investment of approximately \$1400, consisting of two automobiles. The additional territory requested by the applicants is Cascade and Woodland Park, so that the sightseeing operation will be operated from Green Mountain Falls, Cascade and Woodland Park to the various scenic attractions in the Pikes Peak Region. The evidence sustains the position that this certificate should be widened accordingly.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicants herein for the transportation of passengers from Green Mountain Falls, Cascade and Woodland Park, Colorado, to the various scenic attractions in the Pikes Peak Region; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions, which in the opinion of the Commission the public convenience and necessity requires:

- (a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.
- (b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.
- (c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor

vehicle carriers, and also subject to any future legislative action
that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock

Sam S. Jones

Arthur H. ...

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
N. F. MOORE FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)
-----)

APPLICATION NO. 925

April 21, 1928.

S T A T E M E N T

By the Commission:

This application was set down for hearing on April 11, 1928, at the City Hall, Colorado Springs, Colorado. No appearance was made for the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the application of N. F. Moore, No. 925, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
John L. Jones
Wm. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

(Decision No. 1682)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE ELK HOTEL COMPANY FOR A CERTIFI-) 126
CATE OF PUBLIC CONVENIENCE AND NEC-)
CESSITY.)

APPLICATION NO. 659

April 21, 1928.

S T A T E M E N T

By the Commission:

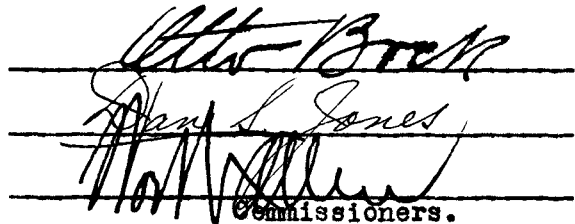
On March 29, 1927, the Commission issued a certificate good for one year to the applicant herein to operate as a motor vehicle carrier in the sightseeing business from Colorado Springs, Colorado. Since that time, the applicant has sold its business to the Hammond Scenic Auto Company.

The application herein was set down for further hearing on April 10, 1928, at the City Hall, Colorado Springs, Colorado, at which time the applicant introduced testimony to the effect that, since the sale of this operation to the Hammond Scenic Auto Company, it is its desire to have its certificate cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued to the applicant on March 29, 1927, be, and the same is hereby, revoked, cancelled and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado, this
21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * * *

IN THE MATTER OF THE APPLICATION
OF

J. M. BUSTER AND J. C. WILLIAMS,
doing business as the Buster and
Williams Touring Company,

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

APPLICATION NO. 978

April 21, 1928.

Appearances: Chester B. Horn, Esq., Colorado Springs,
Colorado, Atty. for applicants.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicants good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicants ~~xxx~~ have an investment of approximately \$ 25,000.00 in their motor vehicle carrier operation consisting of ~~ten~~ automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicants will continue to use the present certificate number on their equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicants should have very little difficulty in preparing their tariffs. The applicants should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicants herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to ten automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Bock

W. S. Jones

W. A. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * * *

IN THE MATTER OF THE APPLICATION
OF
THE PIKES PEAK AUTOMOBILE COMPANY

APPLICATION NO. 573

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: J. A. Carruthers, Esq., Colorado Springs,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927. the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~applicant~~ applicant has an investment of approximately \$ 100,000.00 in its motor vehicle carrier operation consisting of twenty automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing its tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to twenty automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
John S. Jones
Wm. H. Quinn
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

HAMMOND SCENIC AUTO COMPANY, a corpor-
ation, DOING BUSINESS UNDER THE NAME
OF ROYAL BLUE LINES,

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

270
APPLICATION NOS. 581 & 999

April 21, 1928.

Appearances: M. A. Shoup, Esq., Colorado Springs,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~hearer~~ applicant has an investment of approximately \$ 25,300.00 in its motor vehicle carrier operation consisting of nineteen automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

In Application No. 999, which was heard jointly with Application No. 581, the applicant seeks permission to add seven automobiles to its fleet and to be permitted to operate under the name of the Royal Blue Lines, the Hammond Scenic Auto Company owner. The reason given for the increase of equipment is that applicant has contracted to handle all the scenic business of the Elk Hotel, which is operating under a certificate from this Commission with a fleet of five automobiles. The number of automobiles permitted under this certificate includes those purchased from the Elk Hotel and only to that extent is the applicant permitted to increase his equipment. There being no objection entered, the applicant will also be permitted to operate under the name of Royal Blue Lines, the Hammond Scenic Auto Company owner.

... APPLICATION ON FILE WITH THE COMMISSION DO NOT conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing its tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs and Manitou, Colo. to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:


(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.


(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.


(c) That the quantity of equipment to be used in this operation shall be limited to nineteen automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

115

* * * *

IN THE MATTER OF THE APPLICATION
OF
THOMAS L. REASONER, DOING BUSINESS
AS THE GRAY LINE MOTOR TOURS,

APPLICATION NO. 594

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: Thomas L. Reasoner, Colorado Springs,
Colorado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 30,000.00 in his motor vehicle carrier operation consisting of twelve automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such service shall be permitted.

The applicant herein has also asked for permission to change its operating name from the Scenic Auto Company to the Gray Line Motor Tours. No objection being made to this change, the request will be granted.

conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should

be consecutive. If the sample form shown on page 38 of the Rules

Since the issuance of the certificate to the applicant herein, he has purchased from the Acacia Auto Company its equipment amounting to four automobiles, the quantity of which equipment is reflected in the permission as to the quantity of equipment contained in the within order and certificate.

IT IS THEREFORE ORDERED, That the present and future convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to twelve automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elmer Bock
James S. Jones
W. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

HARRY L. ANDERSON, DOING BUSINESS AS
THE ANDERSON AND HARRY SEEING COLO-
RADO COMPANY,

APPLICATION NO. 595

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: Chester B. Horn, Esq., Colorado Springs,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~hearer~~ applicant has an investment of approximately \$ 8,000.00 in his motor vehicle carrier operation consisting of five automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax."

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to five automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock
James L. Jones
W. H. Miller
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

EDWARD E. NICHOLS, DOING BUSINESS AS
THE E. E. NICHOLS HOTEL AND REALTY
COMPANY,

APPLICATION NOS. 601 & 602

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: Edward E. Nichols, Manitou, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~have~~ applicant has an investment of approximately \$ 3,500.00 in his motor vehicle carrier operation consisting of three automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to three automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alfred Bock
Spencer L. Jones
John A. Quinn
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION

OF

GEORGE J. WETHERALD, E. E. WETHERALD
AND JOS. PREMO, A PARTNERSHIP DOING
BUSINESS AS THE G. & W. GARAGE AND
TOURS COMPANY,

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

107
APPLICATION NO. 612

April 21, 1928.

Appearances: George J. Wetherald, Manitou, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicants good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicants ~~has~~ have an investment of approximately \$ 12,000.00 in their motor vehicle carrier operation consisting of six automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicants will continue to use the present certificate number on their equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicants should have very little difficulty in preparing their tariffs. The applicants should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicants herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to six automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
John A. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

106

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

C. F. GARRIOTT, DOING BUSINESS AS
THE C. F. GARRIOTT SIGHT SEEING
COMPANY,

APPLICATION NO. 613

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: C. F. Garrriott, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~applicant~~ applicant has an investment of approximately \$ 1,200.00 in his motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock

James S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

105

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF
F. B. BRYANT, DOING BUSINESS UNDER
THE NAME OF THE BRYANT AUTO LIVERY,

APPLICATION NO. 615

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: F. B. Bryant, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927. the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~there~~ applicant has an investment of approximately \$ 3,500.00 in his motor vehicle carrier operation consisting of five automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

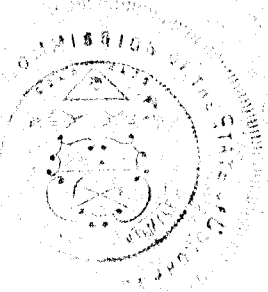
carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to five automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.



Dated at Denver, Colorado,
this 21st day of April, 1928.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
Sam L. Jones
Thomas M. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

103

* * * *

IN THE MATTER OF THE APPLICATION
OF
ALMERON DAVIS

APPLICATION NO. 620

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: Almeron Davis, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~have~~ applicant has an investment of approximately \$ 1,250.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock
Donald Jones
Harold Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

102

IN THE MATTER OF THE APPLICATION
OF

W. F. CONWAY AND FRANK R. CONWAY, CO-
PARTNERS DOING BUSINESS AS CONWAY
BROTHERS,

APPLICATION NO. 621

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: Frank R. Conway, Colorado Springs,
Colorado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicants good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicants ~~have~~ have an investment of approximately \$ 20,000.00 in their motor vehicle carrier operation consisting of fifteen automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicants will continue to use the present certificate number on their equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicants should have very little difficulty in preparing their tariffs. The applicants should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicants herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to fifteen automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Boett
D. L. Jones
H. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF
THE YELLOW CAB COMPANY OF COLORADO
SPRINGS, A CORPORATION,

109
APPLICATION NO. 635

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: J. A. Carruthers, Esq., Colorado Springs, Colo-
rado for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~have~~ applicant has an investment of approximately \$ 20,000.00 in its motor vehicle carrier operation consisting of twelve automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing its tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.
- (b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.
- (c) That the quantity of equipment to be used in this operation shall be limited to twelve automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elton Brock

D. W. S. Jones

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

JAMES W. CAREY, DOING BUSINESS UNDER
THE NAME OF THE JIM CAREY AUTO LIV-
ERY,

APPLICATION NO. 636

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: John Dingle, Colorado Springs, Colorado,
representing applicant,

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ ^{has} an investment of approximately \$ 10,000.00 in his motor vehicle carrier operation consisting of three automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to three automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock

James L. Jones
W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

119

* * * *

IN THE MATTER OF THE APPLICATION
OF
WILLIAM IRVINE,

APPLICATION NO. 637

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: William Irvine, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~have~~ applicant has an investment of approximately \$ 15,000.00 in his six motor vehicle carrier operation consisting of automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

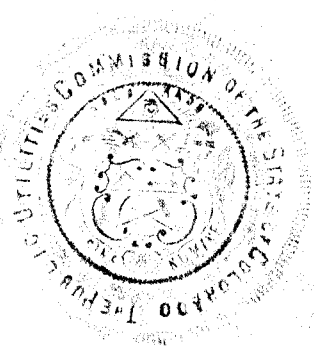
(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to six automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Daniel Jones
W. A. Allen
Commissioners.



Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

T. A. HAILEY, DOING BUSINESS AS
THE ROCKY MOUNTAIN SIGHTSEEING
COMPANY,

APPLICATION NO. 639

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: T. A. Hailey, Manitou, Colorado,
per se.

S T A T E M E N T

By the Commission:

On June 14, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~have~~ applicant has an investment of approximately \$ 2,200.00 in his motor vehicle carrier operation consisting of three automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.
- (b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.
- (c) That the quantity of equipment to be used in this operation shall be limited to three automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
John L. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF
RUSSELL FOSTER,

120
APPLICATION NO. 640

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: J. W. Kriger, Esq., Colorado Springs,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927. the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~above~~ applicant has an investment of approximately \$ 800.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

... be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparinghis..... tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation one automobiles as

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock

John S. Jones
W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF
GEORGE H. MILLER,

APPLICATION NO. 643

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: George H. Miller, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 3,000.00 in his motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant

The applicant herein only has two automobiles, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

changes in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as ~~from~~ the testimony adduced herein.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

not to exceed twenty days from

issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock

John L. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF
LUTHER C. JOHNSON,

APPLICATION NO. 647

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: Luther C. Johnson, Colorado Springs,
Colorado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 1,000.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No. 2

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock

Sam S. Jones
W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF
HENRY MUSCATI,

161
APPLICATION NO. 651

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: J. W. Kriger, Esq., Colorado Springs, Colo-
rado, for applicant.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 1,550.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing ^{his} tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

tions of the Commission Governing Motor Vehicle Carriers which shall not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock
John S. Jones
W. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

J. M. THOMPSON, PAUL R. FINNEY & W.
C. MERCER, DOING BUSINESS AS THE
COLORADO SPRINGS SIGHTSEEING COMPANY,

123
APPLICATION NO. 652

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: W. C. Mercer, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicants good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicants ~~have~~ have an investment of approximately \$ 7,500.00 in their motor vehicle carrier operation consisting of six automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicants will continue to use the present certificate number on their equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicants should have very little difficulty in preparing their tariffs. The applicants should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicants herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

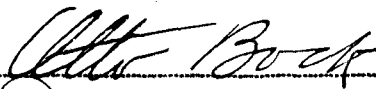
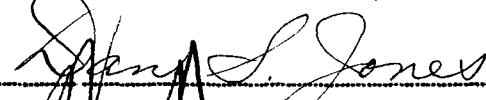
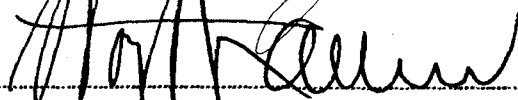
(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to six automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF
L. L. SCHWARTZ,

124
APPLICATION NO. 653

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: L. L. Schwartz, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~hears~~ applicant has an investment of approximately \$ 1,200.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

"Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as ~~the testimony adduced herein.~~

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
John S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF
JAMES T. FREEMAN,

127
APPLICATION NO. 661

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: James T. Freeman, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 500.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparinghis..... tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as appears from the testimony adduced herein.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock

David L. Jones

Arthur Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

162

* * * *

IN THE MATTER OF THE APPLICATION
OF
FRANK W. HOEPNER,

APPLICATION NO. 664

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: J. W. Kriger, Esq., Colorado Springs,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 1,000.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

Colo. P.U.C. NO." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as appears from the testimony adduced herein.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Beck

Dan S. Jones

Arthur H. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

ARTHUR S. HILLIS, DOING BUSINESS AS
THE COLORADO SPRINGS SCENIC COMPANY,

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

✓ 143
APPLICATION NO. 670 & 939

April 21, 1928.

Appearances: Arthur S. Hillis, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 3,200.00 in his motor vehicle carrier operation consisting of four automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, and ^{Manitou} to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

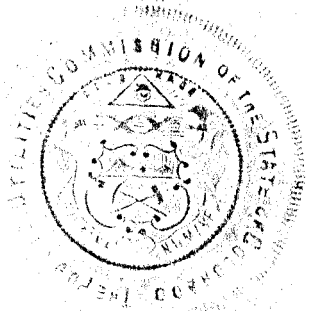
(c) That the quantity of equipment to be used in this operation shall be limited to ^{four} automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utter Book
Ray S. Jones
Walter Hall
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

147

* * * *

IN THE MATTER OF THE APPLICATION
OF
THE CRAGMOR SANITORIUM COMPANY, A
CORPORATION,

APPLICATION NO. 689

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: C. H. Smith, Esq., and Sherwin & Hungerford,
Colorado Springs, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~hearer~~ applicant has an investment of approximately \$ 3,200.00 in its motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing its tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers & baggage, between Cragmor and Colorado Springs, Colorado, and from Cragmor, Colorado, to the various scenic attractions in

the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Cliff Bock
James S. Jones
Arthur H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

130

* * * *

IN THE MATTER OF THE APPLICATION
OF

C. W. KIGHT AND E. J. TARMAN, DOING
BUSINESS AS KIGHT AND TARMAN SIGHT-
SEEING COMPANY,

APPLICATION NO. 694

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: C. W. Kight, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicants good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicants ~~has~~ have an investment of approximately \$ 4,000.00 in their motor vehicle carrier operation consisting of four automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicants will continue to use the present certificate number ontheir..... equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicants should have very little difficulty in preparingtheir..... tariffs. The applicants should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicants herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

- (a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.
- (b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.
- (c) That the quantity of equipment to be used in this operation shall be limited to four automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elto Book

Sam L. Jones

W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

137

* * * *

IN THE MATTER OF THE APPLICATION
OF

P. B. MCCRARY AND STANLEY C. LYNN,
A CO-PARTNERSHIP DOING BUSINESS AS
THE COLORADO TOURING COMPANY,

APPLICATION NO. 715

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: P. B. McCrary, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927. the Commission issued a certificate of public convenience and necessity to the above applicants good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicants ~~have~~ ^{have} an investment of approximately \$ 1,700.00 in their motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicants will continue to use the present certificate number on their equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicants should have very little difficulty in preparing their tariffs. The applicants should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicants herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock
David S. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

132

* * * *

IN THE MATTER OF THE APPLICATION
OF
FLORENZ ORDELHEIDE,

APPLICATION NO. 718

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: Florenz Ordelheide, Colorado Springs,
Colorado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~have~~ applicant has an investment of approximately \$ 1,200.00 in his motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alfred Brock
David S. Jones
William H. Miller
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF

~~COLEMAN, TONY~~ COLYN, LEONARD
COLYN, GEORGE SINNOTT AND D. B.
SNOUFFER, DOING BUSINESS AS THE
CADILLAC SIGHTSEEING COMPANY,

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

138
APPLICATION NO. 733

April 21, 1928.

Appearances: D. B. Snouffer, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicants good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicants ~~have~~ have an investment of approximately \$ 12,000.00 in their motor vehicle carrier operation consisting of eight automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicants will continue to use the present certificate number on their equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicants should have very little difficulty in preparing their tariffs. The applicants should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicants herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to eight automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
Don L. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * * *

IN THE MATTER OF THE APPLICATION
OF

J. G. SHABOUB AND FRANK SNELL JR., A
COPARTNERSHIP DOING BUSINESS AS THE
PIKES PEAK AUTO LIVERY.,

APPLICATION NO. 736

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: J. G. Shabouh, Manitou, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927. the Commission issued a certificate of public convenience and necessity to the above applicants good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicants ~~have~~ have an investment of approximately \$ 20,000.00 in their motor vehicle carrier operation consisting of sixteen automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicants will continue to use the present certificate number on their equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicants should have very little difficulty in preparing their tariffs. The applicants should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicants herein for the transportation of passengers from Colorado Springs and Manitou, Colo., to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to sixteen automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicants herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock

Ray S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * * *

IN THE MATTER OF THE APPLICATION
OF
GEORGE E. BATEMAN,

APPLICATION NO. 749

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: George E. Bateman, Manitou, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 1,250.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.
- (b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.
- (c) That the quantity of ^{one} equipment to be used in this operation
- (d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock

John S. Jones

W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * * *

IN THE MATTER OF THE APPLICATION
OF

T. H. SMITH

APPLICATION NO. 753

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: T. H. Smith, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 1000 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a

A supplemental application was filed in this matter by the applicant requesting authority to increase his equipment by the addition of two seven passenger automobiles. It appears that one Wallace Gribble operated from the Rodeo Camp ground in 1927 with two automobiles but that his certificate has since been revoked and cancelled. Under these circumstances, the Commission is disposed to grant the supplemental application for an increase of two additional seven passenger automobiles.

U N D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Rodeo Camp Ground, Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service. .
- (b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.
- (c) That the quantity of equipment to be used in this operation shall be limited to three automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. Brock
Ray S. Jones
W. H. Hall
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

~~I do hereby certify that the above and foregoing is a true and correct copy of the original order of the Public Utilities Commission of the State of Colorado entered in the above entitled cause and now on file in this office.~~

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * * *

IN THE MATTER OF THE APPLICATION
OF

F. J. BURGHART,

APPLICATION NO. 780

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: F. J. Burghart, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~applicant~~ applicant has an investment of approximately \$ 3,000.00 in his motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in and Colorado Springs, Colorado, the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock
D. S. Jones
W. H. Miller
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF
THE ANTLERS LIVERY & TAXICAB COM-
PANY,

APPLICATION NO. 787

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: C. H. Smith and Sherwin & Hungerford, Colo-
rado Springs, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 46,300.00 in its motor vehicle carrier operation consisting of forty automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing its tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to forty automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock

John S. Jones

W. A. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF
WILLIAM OLSON,

131
APPLICATION NO. 837

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: William Olson, Manitou, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 750.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

... paper, not exceeding 12 x 12 inches, not less than 6 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Hamitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as appears from the testimony adduced herein.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock
Sam L. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

200

* * * *

IN THE MATTER OF THE APPLICATION
OF

JESSE TAYLOR,

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

APPLICATION NO. 846

April 21, 1928.

Appearances: Jesse Taylor, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On June 14, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 1,500.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as appears from the testimony adduced herein.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

not to exceed twenty days from the date hereof, _____

issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Uto Book
Dan G. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

164

* * * *

IN THE MATTER OF THE APPLICATION
OF

B. E. BEALS

APPLICATION NO. 847

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: B. E. Beals, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the applicant ~~has~~ has an investment of approximately \$ 1,500.00 in his motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number onhis..... equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparinghis..... tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elton Brock
David L. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

167

* * * *

IN THE MATTER OF THE APPLICATION
OF

O. J. LEPEL,

APPLICATION NO. 855

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: O. J. Lepel, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~have~~ applicant has an investment of approximately \$ 1,000.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as appears from the testimony adduced herein.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
Don L. Jones
Horace Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

171

* * * *

IN THE MATTER OF THE APPLICATION
OF

W. H. WALKER

APPLICATION NO. 865

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

April 21, 1928.

Appearances: W. H. Walker, Colorado Springs, Colo-
rado, per se.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~have~~ applicant has an investment of approximately \$ 1,250.00 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

carrier system of the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Oliver Brock

David L. Jones

Harold M. Walker

Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1928.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

*For supporting papers see
J.R.D. No. 778 5/7/28*

(Decision No. 1722)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE)
DENVER AND RIO GRANDE WESTERN RAILROAD)
COMPANY FOR AN ORDER AUTHORIZING THE)
WAIVING COLLECTION OF UNDERCHARGES)
AMOUNTING TO \$44.25 ON ONE CARLOAD OF)
FRESH MEAT BONES, HOOFES AND HORNS AND)
TO REPARATE \$8.08 ON ONE CARLOAD OF)
GROUND DRIED MEAT FROM PUEBLO, COLORADO)
TO DENVER, COLORADO WHICH MOVED JANUARY)
5, AND DECEMBER 30, 1926.)
-----)

APPLICATION NO. 1113

May 7, 1928

S T A T E M E N T

By the Commission:

This matter is before the Commission upon an application made informally by The Denver and Rio Grande Western Railroad Company for an order of the Commission authorizing waiving collection of undercharges amounting to \$44.25 on one carload shipment of Fresh Meat Bones, Hoofs, and Horns and to reparate \$8.08 on one carload shipment of Ground Dried Meat from The Nuckolls Packing Company, Pueblo, Colorado, consigned to Colorado Animal By Products Manufacturing Company, Denver, Colorado which moved January 5 and December 30, 1926. This claim was filed with the Commission in the first instance April 13, 1927, but owing to various discrepancies in the application action by the Commission has been somewhat delayed.

The matter of waiving collection of the outstanding undercharges and reparation will be considered together, but any order issued in connection with the reparation will be entered in the informal reparation docket.

At the time these shipments moved the legal rates applicable were as follows: Ground Dried Meat, 21½ cwt., minimum carload weight, 30,000 pounds, per item 1450, page 97, freight tariff D. & R. G. W. G.F.D. 4900-E, Colo. P.U.C. No. 80, effective December 31, 1923. Fresh Meat Bones, 18½ cwt., minimum carload weight, 30,000 pounds, per item 1450, page 152, freight tariff

D. & R.G.W.G.P.D. 4900-F, Colo. P.U.C. No. 126, effective June 15, 1926. Hoofs and Horns, 24¢ cwt., C/L minimum weight 30,000 pounds, which is the class "C" rate as published at index 31, page 87 of Colo. P.U.C. No. 126 supra. Class "C" rating authorized in items 5 and 36, page 240, Western Classification No. 59, R. C. Fyfe's Colo. P.U.C. No. 8 effective February 10, 1925. The mixed carload being authorized in Section 3 of Rule 10, page 7 of Fyfe's Colo. P.U.C. No. 8 supra.

In the reissue of freight tariff number 4900-E, effective June 15, 1926, the D. & R. G. W. reduced the rate on Ground Dried Meat to 18 $\frac{1}{2}$ ¢ cwt., and in Amendment No. 75 to Colo. P.U.C. No. 126, supra, effective March 20, 1927 they established a rate of 18 $\frac{1}{2}$ ¢ cwt. on straight or mixed carloads of Fresh Meat Bones, Hoofs and Horns, minimum carload weight 30,000 pounds.

It is admitted by the D. & R. G. W. R.R. Company by Geo. Williams, its Freight Traffic Manager that the charges collected on the Ground Dried Meat and the charges to be collected on the Fresh Meat Bones, Horns and Hoofs are unreasonable and upon authority of the Commission they will reparate \$8.08 on the shipment of Ground Dried Meat and waive collection of undercharges amounting to \$44.25 on the shipment of Fresh Meat Bones, Horns and Hoofs.

The Commission finds that the charges collected on the shipment of Ground Dried Meat and the charges assessed on the shipment of Fresh Meat Bones, Horns and Hoofs on the basis of the legal rates were excessive and unreasonable to the extent that they exceeded the amount that would have accrued on the basis of a rate of 18 $\frac{1}{2}$ ¢ per 100 pounds, and separate orders will be issued authorizing reparation amounting to \$8.08 and waiving collection of undercharges amounting to \$44.25.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company be, and is hereby authorized and directed to waive collection of undercharges amounting to \$44.25 on one carload shipment of Fresh Meat Bones (27,740 pounds), Hoofs (6,800 pounds), and Horns (8,200 pounds) from The Nuckolls Packing Company, Pueblo, Colorado, consigned to Colorado Animal By-

Products Manufacturing Company, Denver, Colorado, covered by waybill No. 2549,
dated December 30, 1926, and

IT IS FURTHER ORDERED, That this rate shall not be exceeded for a
period of one year from the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ulto Bock

David L. Jones

W. M. Allen
Commissioners.

Dated At Denver, Colorado,
this 7th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY FOR AN ORDER AUTHOR-)
IZING THE WAIVING COLLECTION OF UNDER-)
CHARGES AMOUNTING TO \$86.12 ON ONE)
CARLOAD SHIPMENT OF LEAD COVERED COPPER)
CABLE, IRON OR STEEL WIRE ROPE AND)
SECOND-HAND MACHINERY FROM BLENDE, COLO-)
RADO BILLED AT MINNEQUA, COLORADO TO)
DENVER, COLORADO, DECEMBER 28, 1925.)
-----)

APPLICATION NO. 1114

May 7, 1928

S T A T E M E N T

By the Commission:

This matter is before the Commission upon an application made informally by The Denver and Rio Grande Western Railroad Company for an order of the Commission authorizing waiving collection of undercharges amounting to \$86.12 on one mixed carload shipment of second-hand machinery 17,180 pounds, iron or steel wire rope, 5,000 pounds, and lead covered copper cable, 35,000 pounds from United States Zinc Company, Blende, waybilled at Minnequa, Colorado, consigned to Denver Metal and Machine Company, Denver, Colorado, December 28, 1925. This claim was filed in the office of the Commission in the first instance August 2, 1927, but owing to various discrepancies in the application and in the exhibit attached thereto, action by the Commission has been delayed.

At the time this shipment moved the legal rate applicable was as follows:

Lead covered copper cable, 38¢ cwt., carload minimum weight 30,000 pounds, the 38¢ rate being the 5th class rate as published at index 33, page 4, Supplement No. 1, effective January 20, 1924 to freight tariff D. & R. G. W. G.F.D. No. 4900-E, Colo. P.U.C. No. 80, 5th class rating and carload minimum

authorized in Item 20, page 161, Western Classification No. 59, R.C. Fyfe's Colo. P.U.C. No. 8, effective February 10, 1925.

Iron or Steel Wire Rope, 18 $\frac{1}{2}$ cwt., a less than carload commodity rate published in Item 1745-B, page 7, Supplement No. 11 to Colo. P.U.C. No. 80, supra.

Second-hand Machinery, 26 $\frac{1}{2}$ cwt., carload minimum weight 36,000 pounds, a commodity rate published in Item 2216-B, Amendment No. 106, effective December 24, 1925 to Colo. P.U.C. No. 80, supra.

Prior to the time this shipment moved the carrier had established a rate of 26 $\frac{1}{2}$ cwt., on second-hand machinery, including Belting, Shafting, Pulleys, Nuts and Rivets, also second-hand Copper Wire, Heaters, Generators, Electric Locomotives, Pumps, etc., which was established on account of the dismantling of the plant of the United States Zinc Plant at Blende, Colorado. In the establishment of this commodity item there was no provision made for lead covered copper cable, and as it was the intent of the carrier to provide the 26 $\frac{1}{2}$ rate to all commodities in connection with the dismantling of the above mentioned plant. This commodity should have been included in the item. However, thru inadvertence this item was not amended until the publication of Item 2222, in Amendment No. 96, effective July 10, 1927 to freight tariff D. & R. G. W. G.F.D. No. 4900-F, Colo. P.U.C. No. 126 or subsequent to the movement.

It is admitted by the D. & R. G. W. R.R. Company, by Geo. Williams, its Freight Traffic Manager, that the charges to be collected are unreasonable, and upon authority of the Commission they will waive collection of undercharges amounting to \$86.12.

The Commission finds that the charges assessed on the basis of the legal rate on this shipment were excessive and unreasonable to the extent that they exceeded the amount that would have accrued on the basis of a rate of 26 $\frac{1}{2}$ cwt., on the Cable and Machinery, and an order will be issued authorizing the waiving collection of undercharges amounting to \$86.12.

ORDER

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company, be and is hereby authorized and directed to waive collection of undercharges amounting to \$86.12 on one carload of lead covered Copper Cable

(35,000 pounds) and second-hand Machinery (17,180 pounds) from United States Zinc Company, Blende, Colorado, consigned to Denver Metal and Machine Company, Denver, Colorado, covered by Blende, billed at Minnequa to Denver waybill No. 64, dated December 28, 1925, and

IT IS FURTHER ORDERED, That this rate shall not be exceeded for a period of one year from the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock

Dan L. Jones

Wm. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 7th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

IN THE MATTER OF AN INVESTIGATION BY THE)
COMMISSION, UPON ITS OWN MOTION, INTO THE)
REASONABLENESS OF THE RATES ON HAY, INTRA-)
STATE, IN THE STATE OF COLORADO.)

CASE NO. 364

- - - - -
May 9, 1928
- - - - -

STATEMENT

By the Commission:

WHEREAS, The interstate Commerce Commission has commenced an investigation of the rates on hay between points in the western group as defined in Increased Rates, 1920, 58 I.C.C. 220, 225, designated as Docket 17000, Rate Structure Investigation, Part 10, Hay; and,

WHEREAS, said investigation includes the intrastate rates generally on hay within the State of Colorado, under Section 13 of the Interstate Commerce Act; and,

WHEREAS, It is the suggestion of the Interstate Commerce Commission that the fullest possible cooperation between it and the state commissions is desirable in the conduct of this investigation; and,

WHEREAS, It is the desire of this Commission to cooperate with the Interstate Commerce Commission in the general investigation of rates on hay, intrastate as well as interstate, as they affect the producers and shippers of the State of Colorado within the terms and spirit of the general cooperative agreement existing between the Interstate Commerce Commission and the state commissions; and,

WHEREAS, The Commission finds that the public interest requires that a hearing and investigation be held of rates on hay, intrastate, in the State of Colorado.

ORDER

IT IS THEREFORE ORDERED, That an investigation be made, and same is hereby, instituted by the Commission upon its own motion for the purpose of determining to what extent and in what manner, if any, the intrastate freight rates on hay may be unjust, unreasonable, unjustly discriminatory, prejudicial, disadvantageous, or otherwise unlawful; that all rail carriers in the State of Colorado be made respondents to this proceeding; that a certified copy of this order as a notice be served upon each of said respondents; that a certified copy of this order be sent to the various commercial and shipping interests throughout the state; that this proceeding be assigned for hearing at such time and place as the Commission may hereafter direct.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm. Bock

Dan F. Jones

M. J. Allen
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1928.

(Decision No. 1725)

172

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GEORGE W. CLARK FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 877

May 7, 1928.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued a certificate of public convenience and necessity authorizing the applicant, George W. Clark, to operate for one year a motor transportation system for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak region.

On April 10, 1928, the Commission called the case for hearing in Colorado Springs, Colorado, at the City Hall for further hearing pursuant to notice duly given the applicant. The applicant did not appear. On April 30, 1928, the Commission received a letter from Fred N. Bentall, Esq., the applicant's attorney, saying that the applicant had left Colorado Springs and that the application might be stricken from our files and from any further considerations.

O R D E R

IT IS THEREFORE ORDERED, That the application herein of George W. Clark

for a permanent certificate of public convenience and necessity be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm Brock

Dan L. Jones

Art Keller
Commissioners.

Dated at Denver, Colorado,
this 7th day of May, 1928.

(Decision No. 1726)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF H. D. RICE FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

APPLICATION NO. 845

May 8, 1928.

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity authorizing the applicant, H. D. Rice, to operate for one year a motor transportation system for the transportation of passengers from Boulder to various scenic attractions in the State.

On April 23, 1928, the Commission called the case for hearing in Boulder, Colorado, at the Court House, pursuant to notice duly given the applicant. The applicant did not appear.

O R D E R

IT IS THEREFORE ORDERED, That the application of H. D. Rice, No. 845, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
Dr. J. L. Jones
W. H. Sullivan
Commissioners.

Dated at Denver, Colorado,
this 8th day of May, 1928.

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(Decision No. 1727)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FORD AND OSCAR DUNNING FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 887

May 8, 1928

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity authorizing the applicants, Ford and Oscar Dunning, to operate for one year a motor transportation system for the transportation of passengers from Boulder to various scenic attractions in the State.

On April 23, 1928, the Commission called the case for hearing in Boulder, Colorado, at the Court House, pursuant to notice duly given the applicants. The applicants did not appear.

O R D E R

IT IS THEREFORE ORDERED, That the application of Ford and Oscar Dunning, No. 887, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elto Brock
David S. Jones
W. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 8th day of May, 1928.

DECISION NO. 1728 has been canceled by this Commission.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
MORRIS A. JONES, DOING BUSINESS AS)
THE JONES TRANSFER COMPANY, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 945

May 8, 1928

STATEMENT

By the Commission:

On May 2, 1928, there was filed with this Commission a motion to dismiss the above application, said applicant having sold his business, together with all his trucks, to one F. G. Stegall and has quit the operation of his truck line.

ORDER

IT IS THEREFORE ORDERED, That the application of Morris A. Jones, No. 945, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Bock
David L. Jones
W. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 8th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

**TOWN OF DOLORES, by J. L. MORRISON,
MAYOR,**

COMPLAINANT,

vs.

A. A. RUST,

DEFENDANT.

CASE NO. 308

May 8, 1928

STATEMENT

By the Commission:

On May 7, 1928, the Commission received a request from the above complainant, the Town of Dolores, requesting that the above entitled case be dismissed.

ORDER

IT IS THEREFORE ORDERED, That the case of the Town of Dolores, Complainant, vs. A. A. Rust, Defendant, Case No. 308, be, and the same is hereby, dismissed.

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

Dated at Denver, Colorado,
this 8th day of May, 1928.

Chas. Beck
Sam L. Jones
Wm. A. Jones
 Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF T. J. WALLENDORF FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 977

May 10, 1928

Appearance: John R. Charlesworth, Esq., Delta, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On October 6, 1927, T. J. Wallendorf of Cedaredge, Delta County, Colorado, filed his application for a certificate of public convenience and necessity authorizing the operation by him of a motor vehicle system for the transportation of passengers and express between the city of Delta and the town of Cedaredge and intervening points. No protests have been filed. The case was regularly set for hearing and was heard in the Court House in Delta on April 26, 1928. The applicant was a member of a partnership or an association of men who formerly were engaged in transporting passengers, freight and express between Delta and the Beckman Hotel located on Grand Mesa, Cedaredge being an intermediate point. The said individuals have severed their relations, leaving a portion thereof for each one of them. Each one of them has now filed his separate application, the other two applications being Nos. 976 and 1004. The applicant and the other two members of the partnership or association have all filed a request that the certificate heretofore granted in Application No. 598, be cancelled.

Cedaredge is a point situated off a railroad and on the highway running from Delta to the Grand Mesa.

The applicant proposes to use in his operation one 7-passenger Buick touring automobile of the market value of one thousand (\$1000.00) dollars.

The Commission is of the opinion and so finds that the public convenience and necessity requires the issuance to the applicant of a certificate of public convenience and necessity for the transportation of passengers and express between Delta and the town of Cedaredge and intervening points.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant herein, T.J.Wallendorf, for the transportation of passengers and express between Delta and Cedaredge and intervening points and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the certificate heretofore issued in Application No. 598 be, and the same is hereby, cancelled.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Cliff Bock

David S. Jones

W. J. Wallendorf

Commissioners.

Dated at Denver, Colorado, this
10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF V. A. PHILLIPS FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1004

May 10, 1928

Appearance: John R. Charlesworth, Esq., Delta, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On November 30, 1927, V. A. Phillips of Cedaredge, Delta County, Colorado, filed his application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation, between June 15 and September 15 of each year, of passengers, freight and express between Cedaredge and the Beckman Hotel and the Mesa Hotel on Mesa Lakes and intermediate points. No protests have been filed. The case was regularly set for hearing and was heard in the Court House in Delta on April 26, 1928. The applicant is a member of a partnership or an association of men who formerly were engaged in transporting passengers, freight and express between Delta and the Beckman Hotel located on Grand Mesa, Cedaredge being an intermediate point. The said individuals have severed their relations, leaving a portion of their business for each one of them. Each one of them has now filed his separate application, the other two applications being Nos. 976 and 977. The applicant and the other two members of the partnership or association have all filed a request that the certificate heretofore granted in Application No. 598, be cancelled.

Cedaredge is a point situated off a railroad and on the highway running from Delta to the Grand Mesa.

The applicant proposes to use in his operation 1 Rec 7-passenger automobile of the market value of one thousand(\$1000.00) dollars.

The Commission is of the opinion and so finds that the public convenience and necessity requires the issuance to the applicant of a certificate of public convenience and necessity for the transportation of passengers, freight and express between the town of Cedaredge and the Beckman Hotel and the Mesa Hotel on the Grand Mesa and intermediate points.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant herein, V. A. Phillips, for the transportation of passengers, freight and express between the town of Cedaredge and the Beckman Hotel and the Mesa Hotel on the Grand Mesa and intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the certificate heretofore issued in Application No. 598 be, and the same is hereby, cancelled.

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

IT IS FURTHER ORDERED, That the applicant, V. A. Phillips, shall operate such motor vehicle carrier system according to the schedules filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to

motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
Wm. D. Jones
Wm. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF N. H. McCORMICK FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 976

May 10, 1928.

Appearance: John R. Charlesworth, Esq., Delta, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On October 6, 1927, N. H. McCormick of Cedaredge, in Delta County, Colorado, filed his application for a certificate of public convenience and necessity authorizing the operation by him of a motor truck for the transportation of freight and express between Delta and Cedaredge. No protests have been filed. The case was regularly set for hearing and was heard in the Court House in Delta on April 26, 1928. The applicant was a member of a partnership or an association of men who formerly were engaged in transporting passengers, freight and express between Delta and the Beckman Hotel located on Grand Mesa, Cedaredge being an intermediate point. The said individuals have severed their relations, leaving a portion thereof for each one of them. Each one of them has now filed his separate application, the other two applications being Nos. 977 and 1004. The applicant and the other two members of the partnership or association have all filed a request that the certificate heretofore granted in Application No. 598, be cancelled.

Cedaredge is a point situated off a railroad and on the highway running from Delta to the Grand Mesa.

The applicant proposes to use in his operation a 2-ton Graham Brothers truck of the market value of one thousand seven hundred and fifty (\$1,750.00) dollars.

The Commission is of the opinion and so finds that the public

convenience and necessity requires the issuance to the applicant of a certificate of public convenience and necessity for the transportation of freight and express between Delta and the town of Cedaredge and intermediate points.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant herein, N. H. McCormick, for the transportation of freight and express between Delta and Cedaredge and intermediate points and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the certificate heretofore issued in Application No. 598 be, and the same is hereby, cancelled.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur Brock
John L. Jones
W. H. Sullivan
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF EDWARD MARTIN FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)
-----)

APPLICATION NO. 1052

May 10, 1928

Appearances: Tupper, Smith and Holmes, Esq., Grand Junction,
Colorado, attorneys for applicant;

Thos. R. Woodrow, Esq., Denver, Colorado, for The
Denver and Rio Grande Western Railroad Company;
Scott W. Heckman, Esq., Grand Junction, Colorado,
for the Board of County Commissioners of Mesa
County.

S T A T E M E N T

By the Commission:

On February 9, 1928, Edward Martin of Whitewater, Colorado, filed his application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers, baggage and freight between Grand Junction and Gateway and intermediate points.

On February 23, 1928, the Commission was in receipt of a letter from the General Attorney of The Denver and Rio Grande Western Railroad Company stating that he understands that the applicant does not intend to transport freight or passengers locally between Whitewater and Grand Junction, although his route between those points parallels the line of the railroad. The Board of County Commissioners appeared at the hearing by its attorney and protested against the granting of the certificate.

The case was regularly set for hearing and was heard in the Court House in Grand Junction on April 25, 1928.

The applicant resides in Whitewater, a point situated on the line

of the Denver and Rio Grande Western Railroad running from Grand Junction to Salida. He has been carrying United States mail and various supplies for a number of years to Gateway which is an inaccessible point near the Utah line some forty-eight miles from Whitewater. He proposes to make two round-trips per week. His equipment consists of two Graham Brothers trucks of the value of one thousand five hundred (\$1,500.00) dollars, only one of which will be used at any given time. He does not propose to do any local business between Whitewater and Grand Junction.

The evidence shows that the applicant has been operating under conditions which are extraordinarily difficult and for the average person would be insuperable in the winter and early spring seasons. At times he is compelled to resort to horses and sleds in order to make his way through the mountains between Whitewater and Gateway. The ranchers situated in this mountainous country are wholly dependent upon the applicant for the hauling of supplies to them, except during those portions of the year when the roads are reasonably good and some rancher makes an occasional trip.

The County Commissioners of Mesa County admitted that the proposed service of the applicant is necessary, but contended that the public convenience and necessity does not require the issuance of a certificate. The operation of the applicant, aside from the carrying of mail, would be unlawful without a certificate. Under the law and the record made in this case the Commission has no other alternative than to issue a certificate.

The Commission is of the opinion and so finds that the public convenience and necessity requires a certificate of public convenience and necessity for the transportation of passengers, baggage and freight between Grand Junction and Gateway and all intermediate points provided, however, that no local transportation is done between Grand Junction and Whitewater.

O R D E R




IT IS THEREFORE ORDERED, That the public convenience and necessity requires a certificate of public convenience and necessity for the transporta-

tion of passengers, baggage and freight between Grand Junction and Gateway and all intermediate points provided, however, that no local transportation is done between Grand Junction and Whitewater, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - -

IN THE MATTER OF THE APPLICATION)
OF CHARLES S. SHRYOCK, DOING BUSI-)
NESS AS HOTCHKISS ELECTRIC COMPANY,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 1107.

May 10, 1928.

Appearance: Charles S. Shryock, Hotchkiss, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On April 23, 1928, Charles S. Shryock, doing business as Hotchkiss Electric Company, filed his application for an order authorizing the exercise by him of franchise rights granted to him by the town of Hotchkiss. No objections have been filed. The case was regularly set for hearing and was heard in the Court House in Delta on April 26, 1928.

On April 2, 1928, the board of trustees of the town of Hotchkiss granted to the applicant a franchise by which the applicant is authorized to operate in said town an electric light plant and distribution system for the sale and distribution of electrical energy for lighting, heating and power purposes for a period of twenty years from the time of passage of said ordinance.

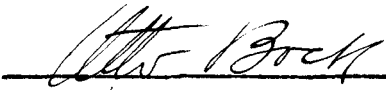
Applicant's capital investment is Sixteen Thousand Dollars (\$16,000).

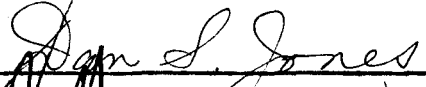
After careful consideration of said ordinance and of the evidence introduced in support of said application, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights contained in said ordinance.

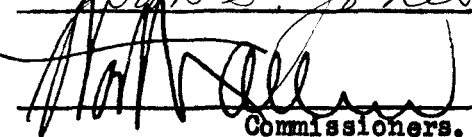
O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant, Charles S. Shryock, doing business as Hotchkiss Electric Company, of the franchise rights granted him by the board of trustees of the town of Hotchkiss on April 2, 1928, for the operation of an electric plant and distribution lines in said town for the sale and distribution of electrical energy for lighting, heating and power purposes and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

IN THE MATTER OF THE APPLICATION)
OF CHARLES S. SHRYOCK, DOING BUSI-)
NESS AS THE HOTCHKISS ELECTRIC)
COMPANY, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)
- - - - -)

APPLICATION NO. 1103

- - - - -
May 10, 1928
- - - - -

Appearance: Chas. S. Shryock, Hotchkiss, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On April 12, 1928, Charles S. Shryock, doing business as the Hotchkiss Electric Company, filed his application for a certificate of public convenience and necessity authorizing the extension by the applicant of his transmission lines and service to the residents of Hanson, Powell, Barrow and Rogers mesas. No objections to the applicant have been filed. The case was regularly set for hearing and was heard in the Court House in the town of Delta on April 26, 1928.

The applicant is now engaged in operating an electric system for the distribution in the town of Hotchkiss of electrical energy for lighting, heating and power purposes. He is able to furnish electrical energy to persons residing outside of said town and now has demands for service from a number of residents residing on the mesas named. The terms upon which the extensions are proposed to be made are not out of line with those of other similar operators in the State. The cost of making the extensions immediately to be made is five thousand, two hundred fifty (\$5,250.00) dollars.

The Commission is of the opinion and so finds that the public convenience and necessity requires the extension by the applicant of his trans-

mission lines to customers residing in Hanson, Powell, Barrow and Rogers mesas, and that the applicant be authorized in the future to make extensions to all territory contiguous to its facility or line, plant or system, provided the territory into which the extensions are made are not then served by another utility of like character.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the extension by the applicant herein, Charles S. Shryock, doing business as the Hotchkiss Electric Company, of his transmission lines to customers residing on Hanson, Powell, Barrow and Rogers mesas, and that the applicant be authorized in the future to make extensions to all territory contiguous to its facility or line, plant or system, provided the territory into which the extensions are made are not then served by another utility of like character, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant herein, Charles S. Shryock, doing business as the Hotchkiss Electric Company, shall file within twenty days from this date, with the Commission, his tariff of rates, rules and regulations, applying to consumers outside of Hotchkiss, including the terms upon which any desired extension by the applicant will be made.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 10th day of May, 1928.


Commissioners.

(Decision No. 1737)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION)
OF THE YELLOW CAB COMPANY OF)
BOULDER FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 838

May 10, 1928.

Appearance: C. D. Bromley, Esq., Boulder, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity to the above named applicant for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Court House in Boulder, Colorado, on April 23, 1928.

The evidence at the continued hearing shows that the applicant has an investment of approximately fourteen thousand eight hundred and seventy-five (\$14,875.00) dollars in eleven automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard at the same time and place.

It appears that occasionally the motor vehicle operators in Boulder are called

upon to make round-trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission, will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant herein, The Yellow Cab Company of Boulder, for the transportation of passengers from Boulder to the various scenic attractions

in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.

(b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.

(c) That the quantity of equipment to be used in this operation shall be limited to eleven automobiles. ✓

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elmer Bock

David L. Jones

Harold Allen

Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF C. E. LEWIS AND JOE F. ENRIGHT)
CO-PARTNERS, DOING BUSINESS)
UNDER THE FIRM NAME AND STYLE OF)
THE L-L AUTO TOURS, FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)
-----)

APPLICATION NO. 930

May 10, 1928

Appearance: Chas. D. Bromley, Esq., Boulder, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

C. E. Lewis and Joe F. Enright, co-partners, doing business under the firm name and style of The L-L Auto Tours, filed their application for a certificate of public convenience and necessity authorizing the transportation the year round of passengers by motor vehicles to various scenic attractions. The applicants seek to render round-trip service from Boulder. There is no proposal by the applicants to operate on a regular schedule. All operations over the routes designated are limited solely to round-trip service and no one-way operations are in contemplation.

The case was regularly set for hearing in the Court House in Boulder, Colorado, on April 23, 1928 and was heard at the time of the continued hearings of all other Boulder sightseeing operators.

The evidence shows that the applicants have an investment of approximately forty-five hundred (\$4,500.00) dollars in seven automobiles. The applicants are both reliable men with some experience in this line of business.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the present and future public convenience and

necessity requires the motor vehicle carrier system of the applicant.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard at the same time and place. It appears that occasionally the motor vehicle operators in Boulder are called upon to make round-trip trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them to apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant, C. E. Lewis and Joe F. Enright co-partners, doing business under the firm name and style of the L-L- Auto Tours, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.

(b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.

(c) That the quantity of equipment to be used in this operation shall be limited to seven automobiles.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter Bock
James S. Jones
W. M. Miller
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE TOWN OF GUNNISON, A MUNICIPAL)
CORPORATION, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
-----)

APPLICATION NO. 1081

May 10, 1928

Appearance: Clifford H. Stone, Esq., Gunnison, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On March 28, 1928, the applicant, the town of Gunnison, Colorado, filed an application for an order authorizing the extension of the distribution system of the electric light system of the applicant beyond the town limits. No protest was filed. The case was regularly set for hearing and was heard in the Hearing Room of the Commission on April 18, 1928.

The evidence shows that the town of Gunnison has a plant with a capacity of 450 kilowatts; that its peak load is now 180 kilowatts and that there is no prospect in the near future of the demand in the town equaling the capacity of the plant.

A number of people residing outside of said town are very desirous of having the transmission lines of the applicant extended so as to afford service to them. No other utility of like character is serving any of the territory contiguous to said town. The extension policy of the applicant fixing the terms of making the extensions are not out of line with those of other similar utilities.

The Commission is of the opinion and so finds that the public convenience and necessity requires the extension by the applicant of its


transmission lines to customers residing in territory contiguous to the town of Gunnison and that the applicant be authorized in the future to make all such extensions provided the territory into which the extensions are made is not then served by another utility of like character.


O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires the extension by the applicant, the town of Gunnison, of its transmission lines to customers residing in territory contiguous to the town of Gunnison and that the applicant be authorized in the future to make all such extensions provided the territory into which the extensions are made is not then served by another utility of like character, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant, the town of Gunnison, shall file within twenty days from this date, with the Commission, its tariff of rates, rules and regulations including the terms upon which any desired extension by the applicant will be made.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado, this
10th day of May, 1928.

(Decision No. 1740)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF C. W. TOWNSEND FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 896

May 10, 1928

Appearance: Frank L. Moorhead, Esq., Boulder, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity to the above named applicant, for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Court House in Boulder, Colorado, on April 23, 1928.

The evidence at the continued hearing shows that the applicant has an investment of approximately one thousand two hundred (\$1,200.00) dollars in two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard at the same time and place.

It appears that occasionally the motor vehicle operators in Boulder are called upon to make round-trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant, C. W. Townsend, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.

(b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utto Brock
Dan L. Jones
Arthur H. Sullivan
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

(Decision No. 1741)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RAY S. HALL AND FLOSSIE M.)
HALL, CO-PARTNERS, DOING BUSI-)
NESS UNDER THE FIRM NAME AND STYLE)
OF HALL'S BLACK AND WHITE CAB) APPLICATION NO. 848
COMPANY, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

May 10, 1928.

Appearance: Ray S. Hall, Boulder, Colorado,
for Hall's Black and White Cab
Company.

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity to the above named applicants, co-partners doing business under the firm name and style of Hall's Black and White Cab Company, for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Court House in Boulder, Colorado, on April 23, 1928.

The applicants since the date of the temporary certificate have sold their equipment and will this year limit their sightseeing operations to one touring car of the value of one thousand (\$1,000.00) dollars.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicants. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicants herein were heard at the same time and place. It appears that occasionally the motor vehicle operators in Boulder are called upon to make round-trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicants will continue to use the present certificate number on their equipment, as provided by the rules and regulations.

The tariffs of the applicants on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

ORDER

IT IS THEREFORE ORDERED, That the present and future public con-

venience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicants, Ray S. Hall and Flossie M. Hall, co-partners doing business under the firm name and style of Hall's Black and White Cab Company, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

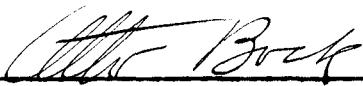
(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.

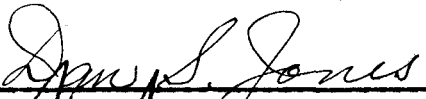
(b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.

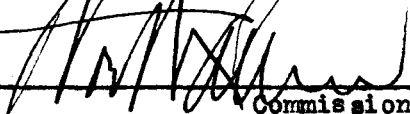
(c) That the quantity of equipment to be used in this operation shall be limited to one automobile.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

(Decision No. 1742)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF H. F. BRANDHORST FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 850

May 10, 1928

Appearance: H. F. Brandhorst, Boulder, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity to the above named applicant, for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Court House in Boulder, Colorado, on April 23, 1928.

The evidence at the continued hearing shows that the applicant has an investment of approximately one thousand two hundred (\$1,200.00) dollars in one automobile.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard at the same time and place. It appears that occasionally the motor vehicle operators in Boulder are called upon to make round-trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

ORDER

IT IS THEREFORE ORDERED, That the present and future public con-

venience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant, H. F. Brandhorst, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.

(b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobile.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur Bock
David S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

It appears that occasionally the motor vehicle operators in Boulder are called upon to make round-trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

ORDER

IT IS THEREFORE ORDERED, That the present and future public con-

venience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant, J. F. Gordon, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.

(b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobile.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

175
(Decision No. 1744)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. N. CLARK FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-) APPLICATION NO. 859
ITY.)

May 10, 1928.

Appearance: W. N. Clark, Boulder, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity to the above named applicant, for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Court House in Boulder, Colorado, on April 23, 1928.

The evidence at the continued hearing shows that the applicant has an investment of seven hundred and fifty (\$750.00) dollars in one automobile.

The applicant desires to enlarge his equipment to two automobiles. No objection was made by any of the operators competing with the applicant. The evidence tends to show that since a number of the automobiles operated out of Boulder in the sightseeing business last year are not now being used in such service, that the addition of one automobile by the applicant will not increase the equipment beyond a point reasonably necessary for the proper accommodation of the tourists.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard at the same time and place. It appears that occasionally the motor vehicle operators in Boulder are called upon to make round-trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.


O R D E R


IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant, W. N. Clark, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:


- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.
- (b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.
- (c) That the quantity of equipment to be used in this operation shall be limited to two automobiles.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

180

(Decision No. 1745)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION)
OF ROY ARMSTEAD, DOING BUSINESS)
UNDER THE NAME OF ARMSTEAD SCENIC) APPLICATION NO. 883
COMPANY, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)
* * * * *

May 10, 1928.

Appearance: Frank L. Moorhead, Esq., Boulder, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity to the above named applicant, doing business as Armstead Scenic Company, for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Court House in Boulder, Colorado, on April 23, 1928.

The evidence at the continued hearing shows that the applicant has an investment of approximately four thousand (\$4,000.00) dollars in four automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard at the same time and place. It appears that occasionally the motor vehicle operators in Boulder are called

upon to make round-trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant, Roy Armstead, doing business as Armstead Scenic Company, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

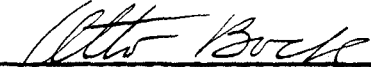
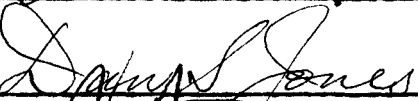

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.

(b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.

(c) That the quantity of equipment to be used in this operation shall be limited to four automobiles..

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

181

(Decision No.1746)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOHN GRANT, DOING BUSINESS AS)
OUT WEST SIGHTSEEING COMPANY FOR) APPLICATION NO. 884
A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

May 10, 1928.

Appearance: Frank L. Moorhead, Esq., Boulder, Colorado,
for the applicant.

S T A T E M E N T

By the Commission:

On June 1, 1927, the Commission issued a certificate of public convenience and necessity to the above named applicant, doing business as Out West Sightseeing Company, for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Court House in Boulder, Colorado, on April 23, 1928.

The evidence at the continued hearing shows that the applicant has an investment of approximately one thousand two hundred (\$1,200.00) dollars in two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard at the same time and place.

It appears that occasionally the motor vehicle operators in Boulder are called upon to make round-trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant, John Grant, doing business as Out West Sightseeing Company, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.

(b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock

David L. Jones

W. H. Miller

Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE UNLAWFUL MOTOR VEHICLE)
OPERATIONS BY LISLE DUNHAM OF)
MEEKER, COLORADO.)

CASE NO. 345

May 11, 1928/

Appearance: Mr. Lisle Dunham, Meeker, Colorado,
per se.

S T A T E M E N T

By the Commission:

On February 3, 1928, the Commission entered an order requiring the respondent, Lisle Dunham, of Meeker, Colorado, to show cause why an order should not be entered by the Commission commanding and requiring him to cease and desist from operating as a motor vehicle carrier, and why he has not paid the tax imposed upon motor vehicle carriers as compensation for the use of the public highways and for the maintenance, repair and reconstruction of the same as provided by law.

On February 13, 1928, there was filed the answer of the defendant in which he does not deny that he had been operating as a motor vehicle carrier up to January 25, 1928. However, he alleges in his answer that he has not operated since January 25. He further alleges that he has not paid the tax and that he had been advised that he could not make payment thereof until a certificate had been issued to him.

The respondent was thereafter duly notified to appear and show cause on April 27, 1928, at the Court House in Glenwood Springs. The Commission was in session during all of that day at the time and place stated, but the respondent did not appear.

Evidence was introduced which shows that the applicant had been


operating as a motor vehicle carrier between Rifle and Meeker prior to January 25, 1928, but that he has not been so operating since then. The tax which the respondent owes on account of his operations from August 1, 1927, has not been paid.


ORDER


IT IS THEREFORE ORDERED, That Lisle Dunham cease and desist from operating as a motor vehicle carrier until and unless he shall have secured a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said Lisle Dunham at once make proper report of the tonnage hauled by him beginning August 1, 1927, and ending at the time on which he ceased operating as a motor vehicle carrier and that he make payment of the tax imposed by law on account of said operations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - -

IN RE UNLAWFUL MOTOR VEHICLE CARRIER)
OPERATIONS BY HENRY BRENTON OF MECKER,)
COLORADO.)

CASE NO. 346.

May 11, 1928.

Appearance: Henry Brenton, Meeker, Colorado, per se.

S T A T E M E N T

By the Commission:

On February 3, 1928, the Commission made an order requiring Henry Brenton to show cause why an order shall not be entered commanding and requiring him to cease and desist from operating as a public carrier on the public highways between Meeker and Rifle, Colorado, and Meeker and Rangely, Colorado, unless and until he should have secured from the Commission a certificate of public convenience and necessity, and why he has not paid the tax imposed by law.

The answer of the respondent was filed on February 11, 1928. In this answer he denied that he has in any manner operated as a motor vehicle carrier between Meeker and Rifle. He further stated therein that he is under contract for the carrying of United States mail between Meeker and Rangely; that as an accommodation to the people along said mail route he has been carrying freight and express; that in doing this business he has followed a long established custom of former mail carriers on said route.

The case was thereafter regularly set for hearing and was heard in the Court House in Glenwood Springs on April 27, 1928. The evidence sustained the allegations of his answer.

The Commission is of the opinion and so finds that the respondent has not been operating as a motor vehicle carrier between Meeker and Rifle;


that he has been operating as a motor vehicle carrier between Meeker and Rangely.


O R D E R


IT IS THEREFORE ORDERED, That the respondent, Henry Brenton, be, and he is hereby, ordered forthwith to cease and desist from operating as a motor vehicle carrier between Meeker and Rangely, Colorado, and intermediate points, unless and until he shall have secured a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said Henry Brenton at once make proper report of the tonnage hauled by him beginning August 1, 1927, on his operation between Meeker and Rangely, Colorado, and intermediate points and that he make payment of the tax imposed by law on account of said operations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1928.

66

(Decision No. 1749)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF THE GLACIER ROUTE, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 909
AND NECESSITY.)

May 10, 1928

Appearances: A. W. Fitzgerald, Esq., Boulder, Colorado,
for applicant;
Chas. D. Bromley, Esq., Boulder, Colorado,
for The Yellow Cab Company of Boulder.

S T A T E M E N T

By the Commission:

On November 24, 1926, the applicant was granted a certificate of public convenience and necessity authorizing the operation of a motor vehicle carrier system for the transportation throughout the year of passengers and baggage in what is known as the Glacier territory west of Boulder, being between Boulder, Lyons, Allenspark, Nederland and certain other places. On May 24, 1927, the applicant filed an application for a certificate authorizing the extension of the operations of its said system so as to do a general round trip sightseeing business, and to make certain special trips, transporting students of the University of Colorado under the direction of and in cooperation with the Recreational Department of said university.

The Commission retained jurisdiction over this supplemental application in order that it might, after operations of the various sightseeing applicants had been conducted for a year, better determine

what the public convenience and necessity requires.

A further hearing was had on the application in Boulder, Colorado, at the Court House on April 23, 1928.

At the hearing preceding the order of July 12, 1927, the State University's Director of Recreation in the summer school testified that the special service rendered by the applicant had been entirely satisfactory and that said business is increasing yearly.

The applicant has engaged in its general and special sightseeing operations six thousand (\$6,000.00) dollars in seven automobiles owned directly by it and rents ten automobiles of the value of eight thousand (\$8,000.00) dollars.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

The applicant it appears does not itself own enough automobiles to take care of repeated peak demands. For some years it has been entering into relations with a number of automobile owners by which it is claimed that the applicant leases their equipment for the tourist season. The owners of these cars are supposed to operate only for the applicant. Most of the passengers which they transport are turned over to them by the applicant. Some business is originated by the said automobile owners, but all revenues from any and all passengers are supposed to be turned over to the applicant. Eighty-five percent of all the revenue derived from passengers hauled by these persons is turned over to them by the applicant, fifteen percent being kept by the latter. The applicant insures their automobiles in its name and makes certain other outlays for them, for all of which they reimburse the applicant.

These individuals owning their own cars are expected and required by the applicant not to do any other business than that which is done in the

name of and for the applicant. However, during the past season the Commission had numerous complaints from various persons to the effect that frequently a number of these persons were engaged in independent operations which were never reported to the applicant, and the proceeds from which were never delivered to the applicant.

Aside from the question whether or not these persons do any business in addition to that done under the plan and arrangement made with them, there is serious question whether or not the applicant is not engaged as a mere broker and the third persons themselves are not the real operators. Inasmuch as the custom is one of somewhat long standing and the other operators seem to confine their protests almost solely to the alleged independent business not reported nor accounted for to the applicant, we have concluded for the time being not to disturb the situation. However, if these third persons are operating for the applicant and under its certificate it is fully responsible for their conduct, and the payment of all taxes when due. It will, therefore, be expected to assume and perform the duty of seeing that they do not at any time engage in any transportation business except for the applicant, the proceeds of which are delivered to it. If the applicant cannot restrict these third persons in this manner, or if for any other reasons inconsistent with regulatory power such operations should not be proper, either the applicant's certificate will have to be revoked or this manner of doing business will have to be permanently eliminated.

The Commission is of the opinion that the business done for the Recreational Department of the University of Colorado is a common carrier business and that a tariff of rates should be on file for said business which cannot be secured by bids at variance with the tariff. It is doubtless true that the university itself, or department thereof, makes a contract for this business. However, the students themselves pay therefor. Any member of the public is entitled to the service on entering the university or, at least, this department thereof. See Terminal Taxicab Company vs. Dist. of Col. 241 U. S. 252.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard at the same time and place. It appears that occasionally the motor vehicle operators in Boulder are called upon to make round-trip trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge cannot be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record, it will not disturb this situation, but suggests that if the operators desire to continue such a system they ought to have their minimum and maximum mileage rates as close together as possible, and to have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicants to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant, The Glacier Route, Inc., for the transportation

of passengers from Boulder to the various scenic attractions in the Boulder region and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires:

- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round-trip operations originating and terminating at the point of origin of the service, without stop-over privileges.
- (b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.
- (c) That the quantity of equipment to be used in this operation shall be limited to seventeen automobiles.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utter Back

Don S. Jones

W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE UNLAWFUL MOTOR VEHICLE)
OPERATIONS OF RAYMOND E. JANES.)

CASE NO. 357

May 11, 1928

S T A T E M E N T

By the Commission:

On March 20, 1928, the Commission made an order requiring Raymond E. Janes, the holder of a motor vehicle certificate, to show cause why his certificate should not be rescinded and cancelled for failure to make payment of the tax imposed by law.

The matter was duly set for hearing and was heard in the Court House in Glenwood Springs on April 27, 1928. The respondent appeared and testified that his failure to make payment of the tax sooner was due to the fact that he had had so much unlawful competition that he was not able to make payment at the time and in the manner required; that he had, however, since the said order was made paid all tax due the State on account of his motor vehicle operations.


The violation of the law by other persons is no ground for the violation by a certificate holder. The Commission is desirous at all times of cooperating with the certificate holders in the elimination of all unlawful competition, but it cannot recognize as a valid ground for failure to pay the tax that somebody else is operating as a motor vehicle carrier without a certificate.

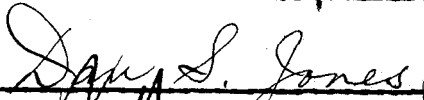
However, it has concluded not to revoke the certificate at this time and to give the respondent an opportunity to comply with the law in the future irrespective of any adverse conditions.


O R D E R

IT IS THEREFORE ORDERED, That the proceedings herein be, and the same are hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado, this
11th day of May, 1928.

NOTICE:

Decision No. 1751 is cancelled.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF ROBERT PORTELL FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1026

May 11, 1928

Appearances: J. P. Helman, Esq., Grand Junction, Colorado,
attorney for applicant;
Thos. R. Woodrow, Esq., Denver, Colorado, for
The Denver and Rio Grande Western Railroad
Company.

S T A T E M E N T

By the Commission:

On January 13, 1928, Robert Portell now of Palisade, Colorado, filed his application for a certificate of public convenience and necessity authorizing the transportation of passengers between Grand Junction and Palisade and intermediate points. No protest was filed. The case was regularly set for hearing and was heard in the Court House in Grand Junction on April 25, 1928.

Palisade is a town with a substantial population, situated thirteen miles from Grand Junction. Both points are on the main line of the Denver and Rio Grande Western Railroad Company. The territory is rather well populated by people living on small fruit and truck farms. There is considerable traveling done between Palisade and Grand Junction. The evidence shows that the passenger train service of the railroad company hardly meets the convenience and necessity of the traveling public in this territory.

The applicant is a man of good reputation with experience in the line of work proposed. He proposed to use in his operation a 7-passenger Studebaker of the market value of one thousand eight hundred (\$1,800.00) dollars. While the automobile was mortgaged at the time of the hearing to secure an indebtedness of one thousand one hundred and seventy-five (\$1,175.00) dollars, he has some small income from the government and business appears to be of sufficient volume to enable him to conduct a dependable service.

The applicant has not asked for authority and he does not propose to carry any freight or express.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle transportation system of the applicant for passengers between Grand Junction and Palisade and intermediate points.


O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle transportation system of the applicant for passengers between Grand Junction and Palisade and intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 11th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE UNLAWFUL MOTOR VEHICLE CARRIER)
OPERATIONS BY SAM T. B. HIMES OF NEW)
CASTLE, COLORADO.)

CASE NO. 351.

Appearance: Sam T. B. Himes, New Castle, Colo-
rado, per se.

May 11, 1928.

S T A T E M E N T

By the Commission:

On February 16, 1928, the Commission issued a complaint in which it ordered Sam T. B. Himes of New Castle, Colorado, to appear before the Commission and show cause why an order shall not be entered commanding and requiring him to cease and desist from operating as a public carrier on the public highways in the territory around New Castle, Colorado, unless and until he should have secured from the Commission a certificate of public convenience and necessity, and why he has not paid the tax imposed by law.

The case was thereafter set for hearing in the Court House in Glenwood Springs on April 27, 1928. At the time and place stated the applicant appeared and gave evidence from which it appears that he has not been engaged in operating as a motor vehicle carrier.

O R D E R

IT IS THEREFORE ORDERED, That this proceeding be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alth Bock
John L. Jones
Harold Adams
Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1928.

212
(Decision No. 1754)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF JAMES C. ASHLEY FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 755

May 11, 1928.

Appearances: J. P. Helman, Esq., Grand Junction, Colorado,
attorney for applicant;
Scott W. Heckman, Esq., Grand Junction,
attorney for the Board of County Commissioners
of Mesa County, protestants.

S T A T E M E N T

By the Commission:

On July 9, 1926, the above applicant filed an application with this Commission for a certificate of public convenience and necessity to carry freight between Grand Junction, Colorado, and the town of Collbran, Colorado, via Plateau City, Colorado. On July 19, 1926, the Board of County Commissioners of Mesa County filed a protest against this application.

This application was heard on June 27, 1927, at the Court House, Grand Junction, Colorado. On July 11, 1927, the Commission entered an order granting a certificate to the applicant to operate as a common carrier of freight between Grand Junction, Colorado, and the town of Collbran, Colorado, via Plateau City, Colorado, but prohibited any transportation business whatsoever from Grand Junction to Palisade and from Palisade to Grand Junction, Colorado and intermediate points.

At the hearing of this application, no appearance was made by the Board of County Commissioners of Mesa County, and no evidence was introduced to sustain its protest. After the order had been entered granting the certificate to the applicant the County Commissioners of Mesa County informed the Commission that they were not sufficiently advised as to the necessity of introducing testimony at the time of the hearing. We were further advised

that the issuance of the certificate had caused considerable dissatisfaction on the part of the public in the territory involved. For these reasons the Commission entered an order on February 23, 1928, reopening the application herein in order to hold a further and more complete hearing to determine whether or not its order granting the certificate should be rescinded, altered or amended.

Thereafter the case was set for further hearing in the Court House in Grand Junction on April 25, at which time and place the hearing was had.

The evidence shows that the territory served by the applicant is a large area about twelve by twenty-five miles and has no other form of transportation than motor vehicles. The population of this area is from twenty-five hundred to three thousand. Quite a large amount of produce, livestock and creamery products are hauled out and coal, merchandise and general supplies are hauled in.

The evidence in opposition to the granting of the certificate is not that truck operations are not required by the public, but it was contended that no certificate should be granted to anybody and that no limitation should be placed upon the number of people engaged in trucking operations even though the number of operators and the volume of business are such that none of the operators can make a reasonable return on their operations. This contention, while made in good faith and for the best interests of the community involved, if followed, would really require the Commission to violate its sworn duties and be a party to a violation of the law which it is its duty to enforce. The district in question undoubtedly requires the services of common carriers. To permit common carriers to operate without a certificate would be a violation of the statute which provides that they must not operate unless they have a certificate.

A number of farmers in the district make a practice of hauling their own and other farmers grain, livestock and produce to Grand Junction and bringing back supplies for the farmers and merchandise for merchants. Under the law one whose occupation is chiefly that of farming may engage

in intermittent hauling of farm products to the market and farm supplies to the farmers. Such persons need no certificates. They cannot, however, make a practice, even at irregular intervals, of hauling merchandise to any substantial number of merchants. Such business is that of a common carrier.

Stress was laid on the fact that at harvest time a large number of trucks are required and that no regular operators could handle all of this business. A lawful way can be found to market the crops at harvest time and this Commission stands ready and desirous of aiding the persons affected in working out a lawful solution.

The evidence in this case shows very clearly the effect of unlimited competition in motor transportation business in the territory involved. The applicant, after deducting a reasonable amount of money for depreciation on his equipment, is not making what most dependable operators pay their drivers.

We fully appreciate that a farming district located at a distance from a railroad is entitled to careful consideration in its transportation problems. But to permit unlimited competition does, in most cases, do away with dependable service. Moreover a laborer is entitled to his hire whether he be a truck operator or a farmer, and the people availing themselves of the services of a common carrier operator engaged in a useful and necessary service should pay him a reasonable compensation therefor without forcing him and other engaged in that service to accept the results of ruinous competition.

O R D E R

IT IS THEREFORE ORDERED, That the original order entered herein on July 11, 1927, remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utto Brock
John S. Jones
W. W. Allen
Commissioners.

Dated at Denver, Colorado, this
11th day of May, 1927.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF)
ADA ALICE OLESON FOR A CERTIFICATE) APPLICATION NO. 1056
OF PUBLIC CONVENIENCE AND NECESSITY.)
-----)

May 12, 1928.

Appearances: W. J. Meehan, Esq., Eagle, Colorado,
attorney for applicant;
Thos. R. Woodrow, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande
Western Railroad Company.

S T A T E M E N T

By the Commission:

On February 16, 1928, Ada Alice Oleson filed her application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers, "between Gypsum and intermediate points." Exhibit "A" attached to and made a part of the application names the towns of Glenwood Springs, Eagle, Sweetwater, Burns, McCoy and Wolcott as those to which the applicant would operate from Gypsum. On February 27 the Commission received a communication from the Board of County Commissioners of Eagle County stating that the Board has no objection to the granting of a certificate. On February 28 The Denver and Rio Grande Western Railroad Company filed a written protest so far as the operation should be between Glenwood Springs and Wolcott and intermediate points.

Thereafter the case was duly set for hearing in the Court House in Glenwood Springs on April 27, 1928.

At the hearing the applicant agreed to limit her taxi operations out of Gypsum to Eagle, McCoy, Burns and Sweetwater and the transportation of the county physician and coroner from Gypsum to Wolcott. Frequently the latter has to make hurried trips to Wolcott and cannot well wait for a passenger train of the Denver and Rio Grande Western Railroad. There is no other taxi service

being operated from Gypsum to the points named, and it appears that the operations of the applicant as agreed to be limited, are reasonably necessary for the public.

The applicant uses in her operation one automobile of the value of one thousand two hundred (\$1,200.00) dollars.

The Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system for transportation of passengers by Ada Alice Oleson, the applicant herein, from Gypsum to Sweetwater, McCoy, Burns and Eagle and for the transportation of the county physician and coroner to Wolcott; that the public convenience and necessity does not require her operation to any other points ~~than~~ those named.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system for the transportation of passengers by Ada Alice Oleson, the applicant herein, from Gypsum to Sweetwater, McCoy, Burns and Eagle and for the transportation of the county physician and coroner to Wolcott, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity does not require the applicant's operation to any other points than those named.

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

IT IS FURTHER ORDERED, That this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

U. B. Bock

James S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 12th day of May, 1928.

At a General Session of the Public Utilities Commission of the State of Colorado, held at its office at Denver, Colorado May 12, 1928.

INVESTIGATION AND SUSPENSION DOCKET NO. 103.

In the matter of proposed discontinuance of agency at Fraser, Colorado, by The Denver and Salt Lake Railway Company.

IT APPEARING, That there has been filed with the Public Utilities Commission of the State of Colorado by The Denver and Salt Lake Railway Company, W. R. Freeman, its President, a petition for permission of this Commission to abandon its said station of Fraser as an agency station and to withdraw the agent therefrom, effective on the 5th day of June, 1928.

IT IS ORDERED, That the Commission upon complaint without formal proceedings, enter upon a hearing concerning the lawfulness of the closing of said station stated in the said petition.

IT FURTHER APPEARING, That the said petition seeks to make certain changes in station service whereby the rights and interests of the public may be injuriously affected, and it being the opinion of the Commission that the effective date of closing the agency station contained in said petition should be postponed pending said hearing and decision thereon.

IT IS FURTHER ORDERED, That the operation of the said effective date contained in said petition be suspended, and the abandonment of the agency station therein stated, be deferred for 120 days, or until the 2nd day of October, 1928, unless otherwise ordered by the Commission, and no change shall be made in said service during the said period of suspension.

IT IS FURTHER ORDERED, That the service thereby sought to be altered shall not be changed by any subsequent schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension and any extension thereof has expired.

IT IS FURTHER ORDERED, That a copy of this order be filed with the said petition in the office of the Public Utilities Commission of the State of Colorado and that copies hereof be forthwith served on The Denver and Salt Lake Railway Company, Respondent, and the citizens of Fraser, Colorado, Protestants.

IT IS FURTHER ORDERED, That this proceeding be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. Bock

David S. Jones

W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 12th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF)
MARCUS HIGHT AND JAMES PHILLIPS FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

APPLICATION NO. 1077

May 14, 1928.

S T A T E M E N T

By the Commission:

On March 23, 1928, the applicants, Marcus Hight and James Phillips, co-partners, filed their application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight, express and passengers between Gypsum, Riland, McCoy, Burns and intermediate points.

The case was regularly set for hearing in Glenwood Springs on April 27, 1928, and the applicant was duly notified.

The Commission was in session at the time and place stated throughout the day. No appearance was made by the applicants.

O R D E R

IT IS THEREFORE ORDERED, That the application of Marcus Hight and James Phillips be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utr Bock
James S. Jones
Wm. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

RE: CHANGES IN RATES FOR THE)
ROARING FORK WATER, LIGHT AND)
POWER COMPANY.)
- - - - -)

I. & S. NO. 102

- - - - -
May 14, 1928.
- - - - -

Appearance: George L. Nye, Esq., Denver, Colorado,
for Roaring Fork Water, Light and
Power Company.

S T A T E M E N T

By the Commission:

On March 2, 1928, Roaring Fork Water, Light and Power Company filed a complete new rate schedule affecting its customers in the city of Aspen and the vicinity thereof. On March 31 the Commission received a protest made by the City Council of the city of Aspen. Thereupon the Commission entered its order suspending said rates and providing for an investigation and hearing concerning the same to be held at a time to be advised later.

On April 13, 1928, the Commission received the written answer of the utility whose rates were suspended.

On April 21, 1928, there was filed with the Commission the reply of the said City Council.

The matter was regularly set for hearing in the Court House in Glenwood Springs on April 27, 1928.

Before the hearing was had a withdrawal of protest by the city of Aspen was mailed to the Commission.

O R D E R

IT IS THEREFORE ORDERED, That this proceeding be, and the same is

hereby, dismissed and that the rates proposed in said schedule be, and they are hereby, allowed to become effective on June 1, 1928.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm. Bock

Frank L. Jones

Wm. Bock

Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

135

* * * *

IN THE MATTER OF THE APPLICATION
OF

P. P. TURNER,

APPLICATION NO. 713

FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

May 14, ~~April 21~~, 1928.

Appearances: P. P. Turner, Colorado Springs, Colorado,
per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on April 10, 1928.

The evidence on the continued hearing was to the effect that the ~~new~~ applicant has an investment of approximately \$ 1000 in his motor vehicle carrier operation consisting of one automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein will operate only two automobiles, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

At the hearing, it developed that M. H. Grams, Application No. 825, had entered into negotiations with the applicant herein to sell his automobile provided the Commission would approve the increase of one car in the equipment. Under the circumstances, the Commission knows of no reason why this request should not be allowed. The applicant will, therefore, be permitted to purchase the equipment of M. H. Grams, consisting of one automobile, and that hereafter his equipment will consist of two automobiles. The certificate issued to M. H. Grams will be cancelled and revoked.

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:




(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this ~~21st~~ day of ~~April~~, 1928.
14th May

~~I do hereby certify that the above and foregoing is a true and correct copy of the original order of the Public Utilities Commission of the State of Colorado entered in the above entitled cause and now on file in this office~~

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO AND SOUTHERN RAILWAY)
COMPANY FOR AN ORDER AUTHORIZING DIS-)
CONTINUANCE OF PASSENGER TRAIN SERVICE)
UPON ITS CLEAR CREEK DISTRICT BRANCH.)

APPLICATION NO. 770.

May 14, 1928.

Appearances: E. L. Regannitter, Esq., Idaho Springs, Colo-
rado, J. Q. Dier, Esq. and J. L. Rice, Esq.,
Denver, Colorado, for applicant;
B. F. Naphey, Jr., Idaho Springs, Colorado,
for protestants of Clear Creek County;
J. M. Seright, Esq., Central City, Colorado,
for County Commissioners of Gilpin County
City of Black Hawk and Central City.

S T A T E M E N T

By the Commission:

On May 25, 1927, this Commission entered the following order:

"IT IS THEREFORE ORDERED, That the public convenience and necessity require that The Colorado and Southern Railway Company be, and it is hereby, authorized to discontinue its passenger, baggage and express service on the Clear Creek District branch for the period of one year, commencing on June 5, 1927, and extending to June 4, 1928, inclusive, unless otherwise ordered by the Commission, subject to the following conditions:

"(a) That The Colorado and Southern Railway Company shall cause to be maintained, to and from all points on the said Clear Creek branch when there is no railway express service thereon, substantially the same express service and rates as are now in effect.

"(b) That The Colorado and Southern Railway Company shall keep on file with this Commission, or file upon request, a tariff providing for Group Passenger Transportation, to and from points in the Clear Creek District, of groups not less than one hundred twenty-five (125) persons.

"(c) That The Colorado and Southern Railway Company shall restore said passenger train service if, and whenever, the operation of motor bus service shall, for any reason, be discontinued, or shall, at any time, be found by this Commission to be inadequate, unsafe or insufficient to serve the needs of the territory involved.

"(d) That the regular freight trains operated by The Colorado and Southern Railway Company shall carry a passenger coach for the accommodation of passengers during the test period above mentioned.

"The Commission expressly retains jurisdiction over this application and the matters therein involved, during the test period above mentioned, and until this matter shall be finally disposed of."

The limitation upon the time of discontinuance from June 5, 1927, to and including June 4, 1928, was made to establish a test period to determine whether the public highways upon which motor vehicle carrier operations were being carried on were sufficiently safe. In the opinion heretofore rendered in this application we said that if after the test period it would develop that the public highways in question were not sufficiently safe for motor transportation, then the carrier would be required to furnish rail passenger transportation, but that if they were sufficiently safe, then in the opinion of the Commission the motor, express and passenger transportation service offered to the public met all the reasonable requirements of the territory involved.

This matter was set down for further hearing in the Hearing Room of the Commission, Denver, Colorado, on May 8, 1928, at 10:00 o'clock A. M., at which time evidence in support of the application was received. While the only issue remaining to be determined was the reasonable safety of the public highways, other testimony was introduced without objection showing the savings made by the carrier in the sum of approximately \$40,000 during the test period and the satisfaction of the public with the motor vehicle carrier transportation which has supplanted the passenger service by rail. Testimony was introduced to the effect that between Denver and Silver Plume regular transportation service was rendered to the public during the test period on regular scheduled time daily, with the exception of two days when the passenger bus was not on schedule time owing to snow conditions; that no accidents occurred whatever during that period except the killing of a cow, upon which the question of negligence as to the motor carrier was in dispute, but the motor carrier paid the claim for damages; that the scheduled passenger operations were 99 per cent on time; that the public highways were reasonably safe for passenger transportation and that the service rendered during the test period was very satisfactory. The testimony further shows that the motor vehicle transportation of passengers,

freight and express between Central City and Idaho Springs carried on by The Williams Livery Company was very satisfactory; that the motor vehicle carrier operated every day during the test period but did not keep a full schedule on two days owing to severe snow and weather conditions; that no accidents whatever occurred during the test period and that the public highways between Central City and Idaho Springs were reasonably safe; that snow fences have been built on that portion of the highway in Russell Gulch; that this somewhat improved the operating conditions, and that construction of more of such snow fences is in contemplation. Some testimony was received as to the condition of the public highway at Georgetown, there being one bad place there, not in any way dangerous from the standpoint of accidents but being rather hard to operate over because of sand, wind and snow conditions. The testimony shows that steps are being taken to remedy that situation, as well as to improve other inconveniences on this public highway.

The protestants were represented by counsel but no testimony was introduced by them and, therefore, the evidence herein is undisputed.

Counsel for the applicant stated at the hearing that if the Commission should grant this application, the applicant should not be required to furnish group passenger transportation as provided in condition (b) of the original order for the reason that this condition requires the carrier to have on hand and in good serviceable condition a certain amount of passenger car equipment that is quite burdensome, since the motor vehicle carrier is fully adequate and has sufficient equipment to carry as large a number as two hundred people at any one time to any point in the territory involved. No objections having been made to the elimination of this condition, the Commission is disposed to grant the request of the applicant in that respect.

After a careful consideration of all the evidence introduced at this hearing, the Commission is of the opinion and so finds that the public highways used by the motor vehicle carrier serving the territory involved herein in the transportation of passengers are reasonably safe for passenger motor transportation.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires that The Colorado and Southern Railway Company be, and it is hereby, authorized to discontinue its passenger, baggage and express service on the Clear Creek District Branch, subject to the following conditions:

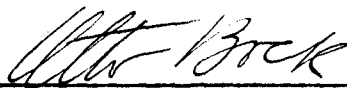
(a) That The Colorado and Southern Railway Company shall cause to be maintained, to and from all points on the said Clear Creek Branch when there is no railway express service thereon, substantially the same express service and rates by motor vehicle as are now in effect.

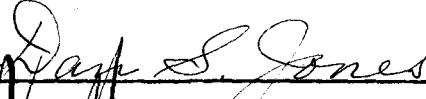
(b) That The Colorado and Southern Railway Company shall restore said passenger train service if, and whenever, the operation of motor bus service shall, for any reason, be discontinued, or shall at any time be found by this Commission to be inadequate, or insufficient to serve the needs of the territory involved.

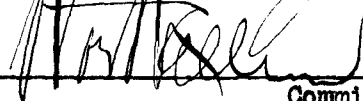
(c) That the regular freight trains operated by The Colorado and Southern Railway Company shall carry a passenger coach for the accommodation of passengers.

This order shall become effective on June 4, 1928.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1928.

(Decision No. 1761)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF OSCAR WILLIAMS, DOING BUSINESS)
AS THE WILLIAMS LIVERY COMPANY,) APPLICATION NO. 792
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

May 14, 1928.

Appearances: L. J. Williams, Esq., Denver, Colorado,
for applicant;
J. L. Rice, Esq., Denver, Colorado,
for The Colorado and Southern
Railway Company;
J. M. Seright, Esq., Central City, Colorado,
for County Commissioners of Gilpin
County, City of Black Hawk and Central
City.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued an order granting a certificate of public convenience and necessity to the applicant herein to operate a motor vehicle transportation system for the transportation of passengers, express and freight between Central City, Black Hawk and Idaho Springs from June 5, 1927, to June 4, 1928, inclusive, subject to the final disposition by the Commission of the application of The Colorado and Southern Railway Company in Application No. 770, involving the discontinuance of passenger service in the Clear Creek District. Jurisdiction was retained over this application, and it was set down for further hearing in the Hearing Room of the Commission, Denver, Colorado, May 8, 1928, at which time further testimony was received in support thereof. No testimony was introduced by the protest-

ants. The testimony shows that the applicant, during the period mentioned, has operated this transportation system very satisfactorily to the public and generally on schedule time.

The investment in this operation is approximately \$6,000.

The Commission is entering an order in Application No. 770, authorizing discontinuance by The Colorado and Southern Railway Company of the passenger service from Denver to Central City and Black Hawk.

After a careful consideration of all the evidence in this case, the Commission is of the opinion and so finds that the public convenience and necessity requires the operation of the motor vehicle system by the applicant for the transportation of passengers, express and freight between Central City, Black Hawk and Idaho Springs, Colorado.

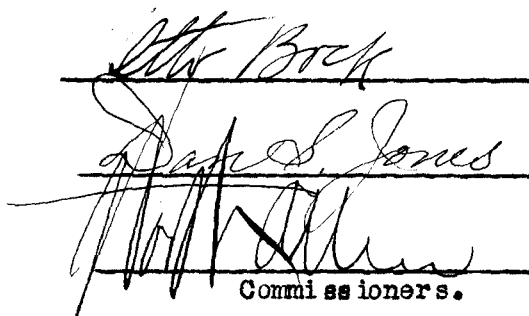
O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle transportation system of Oscar Williams, doing business as The Williams Livery Company, for the transportation of passengers, express and freight between Central City, Black Hawk and Idaho Springs, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That this certificate is granted subject to all the conditions contained in the Commission's order dated May 25, 1927.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 14th day of May, 1928.


Commissioners.

(Decision No. 1762)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF M. H. GRAMS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 825

May 14, 1928

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant, good for only one year from the date thereof.

This matter was set down for further hearing at the City Hall, Colorado Springs, Colorado, on April 10, 1928. At that time, the applicant appeared and stated that he desired to sell his equipment to P.P. Turner, Application No. 713, and that if the Commission would approve that purchase and sale, then the certificate granted to the applicant should be cancelled and revoked. The Commission has approved this purchase and sale by the applicant herein to said P.P. Turner.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued to M.H.Grams, Application No. 825, on March 29, 1927, be, and the same is hereby, revoked, cancelled and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elmer Bock
James S. Jones
Commissioners.

Dated at Denver, Colorado, this
14th day of May, 1928.

(Decision No. 1763)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF L. M. CHAMPION FOR A CERTIFICATE) APPLICATION NO. 875
OF PUBLIC CONVENIENCE AND NECESSITY.)

May 14, 1928

S T A T E M E N T

By the Commission:

On June 6, 1927, the Commission issued a certificate to the above applicant for transporting by motor bus freight, passengers, express and baggage between Manitou and Colorado Springs, Colorado.

The Commission is now in receipt of a letter from the applicant in which he states that he has sold his business to the Manitou Fuel and Transportation Company, holding a certificate from this Commission. Under these circumstances an order will issue cancelling the certificate herein.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued to L. M. Champion, Application No. 875, Decision No. 1291, on June 6, 1927, be, and the same is hereby revoked, cancelled and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock
John L. Jones
Arthur L. Jones
Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1928.

(Decision No. 1764)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE HAMMOND SCENIC AUTO COM-)
PANY FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATIONS NOS. 581 & 999

May 14, 1928.

S T A T E M E N T

By the Commission:

In the certificate issued to the above applicant on April 21, 1928, a clause was inserted permitting the applicant to operate under the name of the Royal Blue Lines. It seems, however, that the applicant desires that the designation of his operation by those words does not meet his wishes. An order will, therefore, issue authorizing him to strike the words "Royal Blue Lines" from his operation.

O R D E R

IT IS THEREFORE ORDERED, That the request of the applicant herein for permission to discontinue the use of the words "Royal Blue Lines" in his operation be, and the same is hereby, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
David S. Jones
Mr. Allen
Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - -

IN THE MATTER OF THE APPLICATION OF)
JOHN STUTZMANN FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1057.

May 14, 1928.

Appearance: John Stutzmann, Palmer Lake, Colorado,
per se.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing a motor vehicle carrier system for the transportation of tourists from Palmer Lake and vicinity only to various points of scenic attractions in and about the Pikes Peak Region around Colorado Springs, Palmer Lake and Denver. There is no proposal to operate on a regular schedule, and the application expressly alleges that the applicant will in no-wise interfere or compete with any railroad, bus line or truck line now operating within said territory but will engage solely in the transportation of tourists during the months of June, July, August and September.

This matter was set down for hearing at the City Hall, Colorado Springs, Colorado, on April 11, 1928, at which time evidence in support of said application was received. It appears from the evidence that the applicant has one seven passenger car and one Reo Speed Wagon with a seating capacity of twenty-one passengers; that his investment is approximately \$1500; that his financial dependability is very good; that the major portion of the applicant's business originates at the Rocky Mountain Summer School, located at Palmer Lake, having a student body of approximately 200. The tourist community during the summer months consists of about 500 to 600 people. No other transportation facility of this kind is afforded the tourist public at Palmer Lake.

The testimony further shows that the students at the Rocky Mountain Summer School desire a service of this kind to take them on various scenic trips from the school to the territory described above.

After a careful consideration of all the evidence, the Commission is of the opinion that the public convenience and necessity requires the proposed motor vehicle carrier sightseeing operation for tourists from Palmer Lake to the scenic attractions in and about the Pikes Peak Region, including Colorado Springs, and also around Palmer Lake. The operations to the scenic attractions in Denver and surrounding territory is served by so many other transportation agencies that the Commission is loath to grant a certificate for such transportation service. At the same time, however, we realize the convenience to group parties of students from the summer school of excursions limited to a round trip operation only. We, therefore, find that the public convenience and necessity requires that the applicant be permitted to conduct scenic tours for students only from the Rocky Mountain Summer School at Palmer Lake to the territory above described, including the scenic interests to Denver and surrounding territory.

There was some question as to the required consent of Palmer Lake for this particular operation. Since the hearing, the Commission has been advised by the town clerk that there is no required consent from Palmer Lake for the proposed operation.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle transportation system by John Stutzmann, applicant herein, for the transportation of the sightseeing public from Palmer Lake and vicinity to the various scenic attractions in the Pikes Peak Region, including Colorado Springs and Palmer Lake, Colorado, and for student parties only from the Rocky Mountain Summer School at Palmer Lake to the various scenic attractions at Denver and surrounding territory, and this order shall be taken, deemed

and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at Palmer Lake or vicinity.

(b) That no one-way transportation of passengers be permitted to any territory involved herein.

(c) That the quantity of the equipment to be used in this operation shall be limited to one seven passenger automobile and one motor bus with a seating capacity of twenty-one passengers.

(d) That applicant's operations shall be conducted in such a way that the same will not interfere or compete materially with any railroad, bus line or truck line now operating within the territory involved herein,

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm. Bock
David S. Jones
Horst Walker
Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1928.

245

(Decision No. 1766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRANK PLESS AND WALTER DAVIS)
DOING BUSINESS UNDER THE FIRM)
NAME AND STYLE OF PLESS AND)
DAVIS, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 987

May 17, 1928

Appearances: Harry S. Class, Esq., Denver, Colorado,
attorney for the applicants;
D. A. Maloney, Esq., Denver, Colorado,
attorney for The Northern Transportation
Company;
E. G. Knowles, Esq., Denver, Colorado,
for Union Pacific Railroad Company.

S T A T E M E N T

By the Commission:

On January 7, 1928, the Commission entered an order denying the appli-
cation herein for a certificate of public convenience and necessity authorizing the
operation of a motor vehicle system for the transportation of freight between La Salle
and Ione and intermediate points and Denver. The Commission, however, retained
jurisdiction of the application and held another hearing in its Hearing Room on
May 7, 1928. The evidence taken at this last hearing shows that a number of the
merchants in the towns served are not yet satisfied with the operations being
conducted by The Northern Transportation Company which operates between Greeley and
Denver and intermediate points. The main ground of objection is that the deliveries
by the latter company are made over a period varying two hours or more. The
evidence does show, however, that the service of the certificate holder has been
much more satisfactory in the past thirty days.

One reason why the service of The Northern Transportation Company has been somewhat irregular is that it has had to wait in Denver a number of times at the request of wholesale and jobbing houses, who stated their alleged inability to deliver goods to the depot before the leaving time. While the waiting by the carrier was done to accommodate the shippers and the consignees, it tends to inconvenience more people than are inconvenienced. No shipper would expect a railroad company to hold a train. Neither is it reasonable to disrupt the service of a motor vehicle carrier by such delays. If a given shipper cannot get his goods to the dock of the truck line on time he will have to expect a competitor who can do so to get the business. Hereafter we shall expect The Northern Transportation Company to operate its truck or trucks serving the people in the towns affected on schedule time.

Another important reason why the La Salle people desire the issuance of a certificate to the applicants is in order that the shippers of that district may be able to ship their milk and cream to Corbett's Ice Cream Company, a Denver manufacturer of ice cream, which buys all its milk and cream from the farmers in that territory. It is stated that no other truck company operating as a common carrier is engaged in hauling milk and cream from La Salle to Denver. The evidence tends to show that the operation of the applicants, even though confined to the hauling of milk and cream, will be a profitable one. One of the two applicants has been engaged in operating the line. The other, while out of the State, has been drawing a salary of one hundred and fifty (\$150.00) dollars a month merely because he has furnished the equipment. The Commission, of course, recognizes the right of an operator to earn enough money to pay the depreciation on his equipment and a fair return thereon, but there is no duty on the part of the public to pay a salary to anybody who is not engaged in rendering a service in the operation.

The evidence brought out in the first hearing shows that the milk and cream is delivered by the farmers to the consignee at their farms and that the transportation by the applicants thereof is not for the farmers but for the consignee. This being true the hauling of the milk and cream does not make the applicants common or motor vehicle carriers and they owe no duty to secure or operate under a certificate

of public convenience and necessity therefor. It is true also that they could add a very limited number of other customers without becoming common carriers. Those customers, however, as we have pointed out in other decisions, cannot be shifted from day to day in such a way as to constitute an evasion of the law. We believe, therefore, that the applicants will be able to continue to operate and to transport the milk and cream at a profit.

The Commission is on this date denying a certificate to an applicant who heretofore has been engaged in the hauling of freight between Denver and Brighton, the latter point being on the route of The Northern Transportation Company. As soon as the Commission is justified it expects to require The Northern Transportation Company to operate out of Denver a truck or trucks serving the towns affected herein which will not stop until after Fort Lupton has been passed. In this way much time will be saved for the merchants and others receiving freight at Ione and La Salle and intermediate points.

The Commission fully appreciates the views of a number of the witnesses in this case, not only that they are entitled to the service of a local man but that competition is demanded. It is just a question of time before others residing in some of the other towns than La Salle will desire a certificate and will be supported by the people living in their respective towns. Moreover, the whole theory of regulation carries with it a limitation on competition. If competition is not limited the Commission necessarily is prevented in large measure from controlling the rates charged and service rendered. It is the duty of the Commission to hear complaints as to rates and service, and to regulate them as the facts may require. This duty it stands ready to perform at all times.

The Commission, therefore, is of the opinion and so finds that the public convenience and necessity does not require the motor vehicle operation of the applicants herein.

ORDER

IT IS THEREFORE ORDERED, That the application herein of Frank Pless and Walter Davis, co-partners, doing business under the firm name and style of

Pless and Davis, be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm. B. Bock

James L. Jones

H. A. Allen

Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1928.

(Decision No. 1767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF JACK D. GERST DOING BUSINESS
AS JACK'S AUTO SIGHTSEEING COM-
PANY FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.

APPLICATION NO. 949

May 17, 1928.

Appearance: Jack D. Gerst, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On July 29, 1927, Jack D. Gerst, doing business as Jack's Auto Sightseeing Company, filed an application in which he alleges that earlier in said year this Commission granted him a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers on round-trip one day operations over the following routes:

- (a) Denver to Pikes Peak.
- (b) Denver to Denver Mountain Parks.
- (c) Denver to Echo Lake and Mt. Evans.

He further alleges that at the hearing in his former application he asked to have his application amended by striking therefrom the request for authority to operate over the route Denver to Georgetown, which amendment was allowed; that since the issuance of his certificate he has rented an additional office which he expects to keep open the year around and that he expects to operate such sightseeing service as is desired and road conditions permit, during the whole year.

He prays that his certificate may be broadened to the extent that he be authorized to operate from Denver to Idaho Springs via Echo Lake, from Denver to Echo Lake via Idaho Springs, and from Denver to Georgetown and Silver Plume via Denver Mountain Parks.

The case was regularly set for hearing and was heard in the Hearing Room of the Commission on May 11, 1928. No protests were filed and no appearances made at the hearing. Evidence was introduced in support of the application. The applicant stated at the hearing that he desires also to be authorized to make trips to Estes Park. This the Commission clearly cannot authorize, one sufficient reason being that no parties who would be entitled to a notice of an application for authority to conduct such an operation have had an opportunity to be heard.

He stated also that he proposes to buy a number of additional cars. This he cannot and must not do without first making application and, after hearing, obtaining authority therefor.

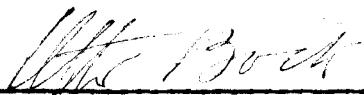
After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle operations by the applicant herein for the transportation on one day round-trips of passengers from Denver to Georgetown and Silver Plume via Denver Mountain Parks, from Denver to Idaho Springs via Echo Lake and from Denver to Echo Lake via Idaho Springs.


O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation by Jack D. Gerst, doing business as Jack's Auto Sightseeing Company, for the transportation on one day round-trips of passengers from Denver to Georgetown and Silver Plume via Denver Mountain Parks, from Denver to Idaho Springs via Echo Lake and from Denver to Echo Lake via Idaho Springs, and this order shall be taken, deemed and held to be an extension to the extent stated of the certificate of public convenience and necessity heretofore issued to the applicant.

IT IS FURTHER ORDERED, That the certificate as extended shall be subject to all terms and conditions originally imposed in the original certificate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WILLIAM WEBBER FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1038

May 17, 1928.

Appearance: Edward Affolter, Esq., Lafayette, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On January 25, 1928, William Webber filed his application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers between Lafayette and the Columbine, State and Morrison mines and intermediate points including Canfield and Erie. No objections to the issuance of the certificate have been filed. The case was duly set for hearing and was heard in the Hearing Room of the Commission on May 11, 1928.

At the hearing the applicant stated that a new mine called the Imperial situated in the section^{of}/land north-east of the section in which the Morrison Mine is located has been opened and will be in operation during the coming winter and fall, and that he desires to amend his application so as to ask that the certificate include authority to operate to said mine. Said amendment was granted and the amendment has since been filed. No notice of this amendment has been given to any of the parties to whom notice of the original application was sent, for the reason that it appears rather obvious that if there is no objection to the original application none would be made to the amendment and furthermore no other motor carrier service exists in this territory. If it appears that there is any objection to the granting of the broader certificate the issuance of such certificate will be without prejudice to the right of any parties affected and the case will be reopened on proper application and showing.

The railroad passenger service between Lafayette and Erie is a mixed train which runs at irregular or rather uncertain hours. There is no passenger service rendered to and from the Columbine, State, Morrison and Imperial mines. A large number of miners working in the said mines live in Lafayette and its immediate vicinity. Other miners living at or near the said mines have no transportation whatever by common carriers.

The applicant originally contemplated operating on schedule. It now appears, however, that the time schedules on which the mines operate are irregular. Some days the men will work a certain number of hours and on other days another number. The applicant proposes now, and the Commission thinks wisely, to run his bus or buses to the mines at such times as will be most convenient for the passengers and to operate at any time when he is not otherwise engaged to any point on the routes named when three or more passengers desire to be transported.

Applicant's equipment consists of two buses of the value of two thousand five hundred (\$2,500.00) dollars each and one Studebaker car of the value of six hundred and fifty (\$650.00) dollars.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle operation of the applicant herein for the transportation of passengers to and from Lafayette and the Columbine, State, Morrison and Imperial mines and intermediate points including Canfield and Erie.


ORDER

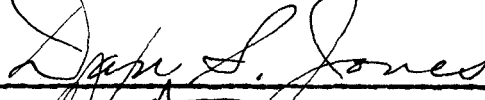
IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant herein, William Webber, for the transportation of passengers to and from Lafayette and the Columbine, State, Morrison and Imperial mines and intermediate points including Canfield and Erie and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


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

IT IS FURTHER ORDERED, That this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
A. W. TRAVIS FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 842

May 17, 1928.

STATEMENT

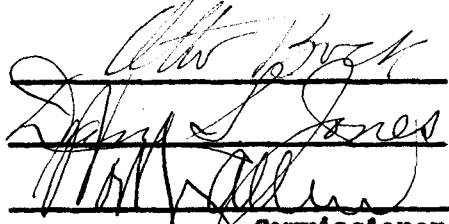
By the Commission:

On March 19, 1927, A. W. Travis filed his application for a certificate of public convenience and necessity authorizing the operation of a sightseeing service between Idaho Springs and Denver Mountain Parks. The case was regularly set for hearing in the Hearing Room of the Commission on May 11, 1928. At the time and place stated the case was called for hearing but no appearance was made by the applicant.

ORDER

IT IS THEREFORE ORDERED, That the application of A. W. Travis for a certificate of public convenience and necessity be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

89

IN THE MATTER OF THE APPLICATION)
OF OTTO PETERSON FOR AN ORDER)
AUTHORIZING A TRANSFER OF A CER-)
TIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

APPLICATION NO. 582-A

May 17, 1928.

Appearance: Otto Peterson, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On March 16, 1928, Otto Peterson filed with the Commission an application in which he alleges that heretofore the Commission granted a certificate of public convenience and necessity to him and Harry Large, co-partners, authorizing the operation of a motor vehicle sightseeing service; that said Large is not and has not been for more than one year taking any part in the operation of the business under said certificate; that Large has contributed nothing towards the operation of the business and has totally severed all connection therewith, and that said Large has formed a partnership or association with one Dodge for carrying of passengers for hire; that said Large is not entitled to use or operate under said certificate but that affiant is entitled to the exclusive use thereof. The application concludes with a general informal prayer.

The said Harry Large received by registered mail a copy of said application, proof of such receipt being the usual United States mail form registered receipt signed by Large, dated March 23, 1928. The case was thereafter duly set for hearing on May 11, 1928, in the Hearing Room of the Commission, notice of said hearing being mailed to said Large on April 18, 1928.

The case was heard at the time and place stated but no appearance was

made by Large.

The evidence sustains the material allegations of the application and shows that Large has wholly abandoned all operations under the certificate and has severed all connections with the said partnership. It shows also that Large was engaged during the past year in unlawful motor vehicle operations to and from both the East and West Portals of the Moffat Tunnel.

The applicant is a man of some financial standing. He will use in his proposed operation two automobiles of the market value of one thousand five hundred (\$1,500.00) dollars.

After careful consideration of the testimony, the Commission is of the opinion and so finds that the certificate of public convenience and necessity, No. 582, heretofore issued to Harry Large and Otto Peterson, co-partners doing business under the firm name of Large and Peterson, is hereby cancelled, and that the public convenience and necessity requires the motor vehicle operation by the applicant, Otto Peterson, over the route designated in the original certificate, namely Denver to Pikes Peak, Denver to Silver Plume, Denver to Denver Mountain Parks, Denver to Echo Lake and Denver to Mt. Evans, with the condition that all operations over the routes designated be limited solely to round-trip service on the same day and that no intermediate business of any kind shall be done on any of said routes.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, No. 582, heretofore granted to Harry Large and Otto Peterson, co-partners doing business under the firm name and style of Large and Peterson be, and the same is hereby, cancelled.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant Otto Peterson for the transportation of passengers over the following routes designated:

Denver to Pikes Peak;

Denver to Silver Plume;

Denver to Denver Mountain Parks;

Denver to Echo Lake;

Denver to Mt. Evans.

And this order shall be taken, deemed and held to be a certificate of

public convenience and necessity therefor, subject to the following terms and conditions, which, in the opinion of the Commission, the public convenience and necessity requires.

(a) That no transportation of passengers to any intermediate points on the routes designated shall be permitted.

(b) That all operations by the applicant herein shall be limited to sightseeing, round trip, one day operations.




(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles.

(d) That the applicant shall file his written acceptance of the certificate herein granted within a period of fifteen days from the date hereof, and shall file tariffs of rates, rules and regulations and time schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers within a period of not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant herein use certificate No. 89, a number originally given to the said firm.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
GUY E. CLARK FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1021.

May 17, 1928.

S T A T E M E N T

By the Commission:

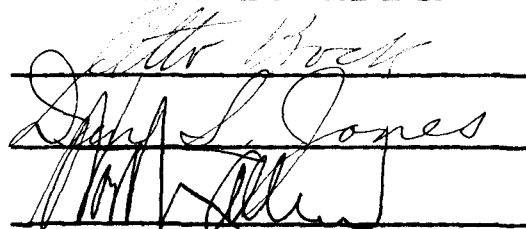
This is an application for a certificate of public convenience and necessity to operate a motor vehicle passenger system between East Portal and Denver, Colorado, and intermediate points.

This matter was set down for hearing on May 17, 1928, at the Hearing Room of the Commission, Denver, Colorado. No appearance was made by the applicant. The Commission is in receipt of a communication from counsel for applicant, which states that the applicant does not intend to prosecute his application for a certificate, inasmuch as the business at East Portal is so slack there is no question but what the railroad can adequately handle it. Under these circumstances an order will be entered dismissing this application.

O R D E R

IT IS THEREFORE ORDERED, That the application of Guy E. Clark, No. 1021, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF DWIGHT FLINT FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1024

May 17, 1928.

Appearances: Albert L. Vogl, Esq., Denver, Colorado, for
applicant;
E. G. Knowles, Esq., Denver, Colorado, for
protestant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity to operate a motor vehicle carrier freight system between Denver and Deer Trail, Colorado. This application was set down for hearing at the Hearing Room of the Commission, Denver, Colorado, on May 17, 1928. At that time counsel for applicant appeared and stated that his client has left the State, and that he does not know his present whereabouts, and suggests that the application be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the application of Dwight Flint, No. 1024, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alfred Bock
James S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado, this
17th day of May, 1928.

(Decision No. 1774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LESTER M. HALLER FOR A CERTI-
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1059

May 17, 1928.

Appearances: Alexander Bowie, Esq., Grand Junction, Colorado,
attorney for applicant;
J. P. Helman, Esq., Grand Junction, Colorado,
attorney for James C. Ashley;
Scott W. Heckman, Esq., Grand Junction, Colorado,
for the Board of County Commissioners of
Mesa County.

S T A T E M E N T

By the Commission:

On February 21, 1928, Lester M. Haller filed his application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight and express between the town of Collbran and the city of Grand Junction and the intermediate towns of Plateau City, Molina and Mesa. On February 28, 1928, James C. Ashley, an authorized operator on the proposed route, filed his protest and objection. The case was regularly set for hearing and was heard in the Court House in Grand Junction on April 25, 1928.

The evidence shows herein demand by some people for the operation of the applicant. The financial condition of the applicant is not as strong as it might be, and as is desirable, in order to insure dependable service. The evidence lends some color to the contention that the applicant may have been

operating unlawfully and in connection with another person who has heretofore been prosecuted for unlawful operations. However, as the case is to be disposed of on another ground which, in the opinion of the Commission is clear and unquestioned, no decision will be made on these two questions.

James C. Ashley, operating under a certificate from this Commission over the same route, has been rendering satisfactory service about which there has been no complaint. The evidence shows that ordinarily his load out of the district in question is one thousand pounds and into the same from Grand Junction one thousand five hundred pounds. Ashley is operating regularly three times a week although he has made as high as five trips daily. He has never refused to transport any goods offered to him and could easily do a much larger volume of business than he is now enjoying because of the unlimited and ruinous competition afforded by unlawful operations. Ashley testified that he can and will procure any additional equipment needed.

After careful consideration of the evidence the Commission is of the opinion and so finds that public convenience and necessity does not require the motor vehicle operation as proposed by the applicant herein.

It might be that the applicant, if he so desired, could procure a certificate for the hauling of grain, livestock and farm produce to Grand Junction and farm supplies from Grand Junction. We make this as a mere suggestion without, of course, finding, as we could not on this record, that the public convenience and necessity requires such a certificate.

O R D E R

IT IS THEREFORE ORDERED, That the application of Lester M. Haller for a certificate of public convenience and necessity be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utha Brock
John S. Jones
Harry M. Allen
Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

270

IN THE MATTER OF THE APPLICATION)
OF CANIE KING TO CEASE OPERATIONS.)

APPLICATION NO. 673.

May 24, 1928.

S T A T E M E N T

By the Commission:

On July 27, 1927, this Commission granted to Canie King of Canon City, Colorado, a certificate of public convenience and necessity authorizing a motor vehicle carrier system for the transportation of passengers and express between Canon City and Coal Creek, Colorado, and intermediate points. The evidence at that time showed that the rates charged were not compensatory but that the merchants of Canon City contributed \$125.00 per month toward its maintenance. The Commission is now in receipt of a petition from King requesting authority to cease operating said bus line, effective June 1, 1928, for the reason that the fares collected from the transportation of passengers and the amount derived from the carrying of express packages will not be sufficient to justify the operation. The contract that the applicant has with the merchants expires on June 1, 1928.


Taking into consideration all of the facts alleged in the application for permission to cease operation, the Commission is of the opinion and so finds that the public convenience and necessity does not require the further operation by the applicant of the motor vehicle system in question.


O R D E R


IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued to Canie King on July 27, 1927, to operate a motor vehicle carrier system for the transportation of passengers and express between

Canon City and Coal Creek Colorado and intermediate points be, and the same is hereby, revoked, cancelled and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

REPORT THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

APPLICATION NO. 992

IN THE MATTER OF THE APPLICATION)
OF H. J. PITTMORRIS DOING BUSINESS)
UNDER THE NAME AND STYLE OF)
THE PITTMORRIS TRANSPORTATION)
COMPANY FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)

- - - - -
May 26, 1928.
- - - - -

REMARKS

By the Commission:

On April 9, 1928, the Commission made an order denying the application herein of H. J. Pittmorris, doing business as The Pittmorris Transportation Company. In the order the Commission pointed out that on May 15, 1928, it had denied an application for a certificate authorizing the operation in question that on January 4, 1928, the applicant was ordered to cease and desist his operation which had continued after the order of May 5, 1928; and that in spite of both of said orders the applicant still continued his operations. On April 24, 1928, the Commission denied a petition for rehearing which was filed herein. On May 4 a petition asking for leave to intervene and that a certificate be issued to the applicant was filed by H. F. Armstrong of Eaton and Rose Jeremiaeson of Ault in behalf of themselves and other merchants of Eaton and Ault, and by the towns of Eaton and Ault. The petition was supported by a resolution by the Board of Trustees of the town of Ault and an informal petition of many people. Thereafter the Union Pacific Railway Company filed a motion to dismiss the said petition.

As the Commission pointed out in its order denying the application for a certificate and the order denying the petition for rehearing, the said Pittmorris in continuing his operation after both the order of May 5, 1928 and the order to cease and desist is guilty of grossly improper and unlawful conduct.

In fact, the Commission knows of no other case in which an applicant such utter contempt for the orders of the Commission made in the performance of the duties delegated to it by the legislature.

Without passing on the motion of the attorneys for the railroad company to dismiss the said petition or determining the propriety of the filing of the same at this stage in the proceeding, we believe it our duty to say again that the applicant failed to show that the public convenience and necessity requires his operation, and that even if the petition was properly filed the time long since came for the applicant's unlawful operation to cease, and that we do not deem it advisable or in the public interest to prolong it or to give any possible excuse for its prolongation by any more hearings in this case. We are not unmindful of and regret the possibility that some of the merchants and others whose petition has been filed with the Commission may be somewhat inconvenienced by the cessation of operations by the applicant.

ORDER

IT IS THEREFORE ORDERED, That the said petition by R. P. Armstrong, et al, be, and the same is hereby, denied.

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

(S E A L)

OTTO ROCK

DAN S. JONES

WORTH ALLEN

Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1922.

I do hereby certify that the above and foregoing is a true and correct copy of the original order of the Public Utilities Commission of the State of Colorado entered in the above entitled cause and now on file in this office.

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF JOHN STUTZMANN FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1057

May 24, 1928.

S T A T E M E N T

By the Commission:

On May 14, 1928, this Commission issued an order granting a certificate of public convenience and necessity to the applicant herein to operate a motor vehicle transportation system for the transportation of the sightseeing public from Palmer Lake and vicinity to the various scenic attractions in the Pikes Peak region, including Colorado Springs and Palmer Lake, and for student parties only from the Rocky Mountain Summer School at Palmer Lake to the various scenic attractions at Denver and surrounding territory. The Commission is now advised in a statement by the applicant dated May 18, 1928, that after carefully considering the limitations contained in the certificate he finds it impossible to successfully operate thereunder and, therefore, refuses to accept the same.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued to John Stutzmann on May 14, 1928, Application No. 1057, be, and the same is hereby, revoked, cancelled and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edith Brock
James S. Jones
W. H. Waller
Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF THE DENVER AND SALT LAKE RAIL-)
WAY COMPANY FOR AN ORDER AUTHOR-)
IZING THE DISCONTINUANCE OF THE)
STATION AT ROLLINSVILLE AS AN)
AGENCY AND TELEGRAPH OFFICE.)
-----)

APPLICATION NO. 1058

May 24, 1928.

Appearances: Elmer L. Brock, Esq., Denver, Colorado
attorney for applicant;
J. M. Seright, Esq., Central City, Colorado,
attorney for Board of County Commissioners
of Gilpin County, et al.

S T A T E M E N T

By the Commission:

On February 20, 1928, The Denver and Salt Lake Railway Company filed its application for authority to discontinue the station at Rollinsville as an agency and telegraph office. Thereafter answers and protests were filed by the Board of County Commissioners of Gilpin County, The Travis Gulch Mining Company and various citizens of the town of Rollinsville and the contiguous territory.

The matter was regularly set for hearing and was heard in the hearing room of the Commission on May 10, 1928.

Rollinsville is a small village with a population of about fifty, situated on the line of the applicant about eight miles east of the East Portal of the Moffat tunnel. The discontinuance of the station would save the railroad \$1,446.76 a year. The ratio of expense to revenue on all the stations on the road is less than two percent, while on this station it is twenty-six percent. The railroad company proposes to continue to stop its trains at the station as in the past and to accept and discharge merchandise and passengers. The passengers will pay to the conductor the regular fare. Freight going out will be

billed from Tolland. The freight and express to Rollinsville would be left in an open warehouse at the consignee's risk.

Tolland is a station situated about five miles west of Rollinsville. One of the principal reasons for maintaining the Tolland station is one of operation of trains. It is desirable and necessary to have orders to the train crews delivered at a point as near the tunnel as possible, as no trains may proceed through the tunnel without clearance orders.

During about half of the year it is impossible for the people in Rollinsville to reach Tolland by the highway which is closed on account of snow. A number of other stations on the applicant's line having more business than the Rollinsville station have no station agent.

At the hearing there was some testimony by shippers to the effect that there was no one party phone line available to Tolland. The applicant offered to establish a telephone connection between Rollinsville and its station in Tolland in order that the people in Rollinsville and the vicinity may privately communicate with the agent at Tolland concerning freight, express and telegrams. The Commission is of the opinion and so finds, that the traveling and shipping public do not reasonably require a station agency and telegraph office at Rollinsville on applicant's road if the applicant will establish a one party telephone connection between Rollinsville and its station in Tolland, so that the people of Rollinsville and vicinity may be able to call the station agent at Tolland, concerning telegrams, freight, express and passenger service without having to pay any toll charges.

ORDER

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company, applicant herein, be, and it is hereby authorized, to discontinue the Rollinsville station on its road as an agency and telegraph office upon the condition that it establish a one party telephone connection between Rollinsville and its station in Tolland, so that patrons in Rollinsville and vicinity may be able to call the station agent at Tolland, concerning telegrams, freight, express and passenger service without having to pay any toll charges.

IT IS FURTHER ORDERED, That the effective date of this order shall be June 15, 1928, provided such telephone connection as herein required has been made by that time. If such connection has not been made on or before that date, the effective date shall be at or after the time of making of such telephone connection.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Uth-Boch
David L. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - -

IN THE MATTER OF THE APPLICATION)
OF R. L. VINYARD FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NOS. 1086 AND 1087.

May 24, 1928.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a telegram from counsel for the above applicant to the effect that the applicant desires the dismissal of both applications without prejudice.

O R D E R

IT IS THEREFORE ORDERED, That the applications of R. L. Vinyard, Nos. 1086 and 1087, be, and the same are hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
D. L. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

267

(Decision No. 1780)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FARMERS AND MERCHANTS TRUCK)
COMPANY FOR A CERTIFICATE OF PUB-) APPLICATION NO. 981
LIC CONVENIENCE AND NECESSITY.)

May 24, 1928.

Appearances: W. S. McGinnity, Esq., Littleton, Colorado,
attorney for applicants;
Flor Ashbaugh, Esq., Littleton, Colorado,
attorney for The Lilley Truck Line.

S T A T E M E N T

By the Commission:

On October 27, 1927, M. E. Spratlin and Joe C. Rose, co-partners,
doing business under the firm name and style of Farmers and Merchants Truck
Company, filed their application for a certificate of public convenience and
necessity authorizing the operation of a motor vehicle system for the transpor-
tation of milk and cream from the farmers in the vicinity of Littleton to Denver.

On November 5, 1927, Mrs. Alice James Lilley, doing business as
The Lilley Truck Line, holding a certificate authorizing the same sort of business
in the same territory and over the same route filed its written answer and
protest. The case was regularly set for hearing and was heard in the hearing
room of the Commission in Denver on March 13, 1928.

For a number of years Mrs. Lilley has been engaged in transporting
milk and cream and other merchandise from the vicinity of Littleton to the
various purchasers thereof in Denver. On October 10 of last year the Commission

issued a certificate of public convenience and necessity authorizing the conduct of said business by Mrs. Lilley. Thereafter the application herein was filed.

There was quite a little testimony bearing on the question of the adequacy of the service rendered by Mrs. Lilley. Most of the customers of Mrs. Lilley are farmers and dairymen living west of the Platte river. There was some testimony that sometime in the past year her truck had been unable to reach one or more farmers situated on a side road running west from the Platte canon road and to the effect that the applicants were then and now are able to go to those farmers' doors for their milk and cream. There was also some testimony offered for the purpose of showing that Mrs. Lilley had been somewhat partial to one particular dairy company in Denver, and had made an effort to carry as much milk and cream as possible to that one company. Without passing on this evidence, which was very meager, we might say that it is obvious that any such partial conduct on the part of a common carrier would be grossly improper. The Commission expects to keep in touch with this situation and any complaints will be carefully investigated.

One of the applicants herein was formerly an employee of Mrs. Lilley. She contends that he resorted to unfair tactics in taking business away from her. The Commission does not make any finding on this contention or any of the contentions made against the service of Mrs. Lilley.

After careful consideration of the evidence we are of the opinion and so find that the public convenience and necessity requires the motor vehicle operation of the applicants for the transportation of milk and cream from that part of the vicinity of Littleton lying east of the Platte river to various purchasers thereof in Denver, but that the public convenience and necessity does not require their operation in and from that portion of the Littleton vicinity lying west of the Platte river.

We shall expect the applicants to wholly refrain from transportation of any milk from points west of the said river until the authorized certificate holder has had a reasonable opportunity without ruinous competition to demonstrate whether or not her service to the farmers in that territory is fully adequate.

The applicants shall have the right to haul any milk and cream which may be brought to the town of Littleton for them by the owners thereof whether coming from the west or east side of the river.

O R D E R




IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicants, M. E. Spratlin and Joe C. Rose, co-partners, doing business as Farmers and Merchants Truck Company, for the transportation of milk and cream from that portion of the Littleton vicinity lying east of the Platte river to various purchasers thereof in Denver and such other milk and cream as may be brought by the owners thereof to the town of Littleton for them from the west of the river, and this certificate shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That except as otherwise ordered the public convenience and necessity does not require the motor vehicle operations of the applicants herein.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

(Decision No. 1781)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. E. GOODRICH AND R. W. PASCHAL FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 777.
AND NECESSITY.)

May 24, 1928

Appearances: C. E. Goodrich, Evergreen, Colorado, per se;
J. Q. Dier, Esq., Denver, Colorado for The
Colorado and Southern Railway Company;
E. L. Brock, Esq., Denver, Colorado, for The
Denver and Salt Lake Railway Company;
D. Edgar Wilson, Esq., Denver, Colorado, for
The Rocky Mountain Motor Company, The
Rocky Mountain Parks Transportation
Company and The Denver Cab Company.

S T A T E M E N T

By the Commission:

This is an application for a motor vehicle carrier sightseeing operation from Evergreen, Colorado. Protests were filed against this operation by The Denver and Salt Lake Railway Company, The Colorado and Southern Railway Company, the Denver-Colorado Springs-Pueblo Motor Way, Inc., The Denver and Rio Grande Western Railroad Company and The Rocky Mountain Motors Company.

Hearing was had on this application on February 10, 1927, at the Hearing Room of the Commission, Denver, Colorado. Subsequent to the hearing, this Commission was advised by C. E. Goodrich that R. W. Paschal, his partner in this matter, had left Evergreen and that it was Mr. Goodrich's desire to have this certificate issued to him. It was suggested to Mr. Goodrich that he obtain a written statement from his partner, R. W. Paschal, to the effect that he consents to the issuance of a certificate to Goodrich. No such statement has been received. The Commission, therefore, feels that the application herein should be dismissed without prejudice to C. E. Goodrich, one of the applicants, to file an application in his name.

O R D E R

IT IS THEREFORE ORDERED, That the application of C. E. Goodrich and

R. W. Paschal, No. 777, be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. Brock

David L. Jones

W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

At a General Session of the Public Utilities Commission of the State of Colorado, held at its office in Denver, Colo. on the 24th day of May, 1928.

INVESTIGATION AND SUSPENSION DOCKET NO. 104

In re: Change in Rates of the Mountain States Telephone and Telegraph Company in the Limon Exchange Area.

- - - - -

IT APPEARING, That there has been filed with the Public Utilities Commission of the State of Colorado by The Mountain States Telephone and Telegraph Company a proposed schedule of rates for the Limon Exchange area, designated,

Colo. P.U.C. No. 3, 4th Revised Sheet L-10

to be effective June 1, 1928, which states an increase of 25¢ per month to business subscribers and of 15¢ per month to residence subscribers who take Service Station telephone service in the rural district surrounding Limon, said rates applying to those rural lines radiating from Limon owned by the respective subscribers but for whom The Mountain States Telephone and Telegraph Company performs switching service at its switchboard in Limon, and

IT FURTHER APPEARING, That D. E. Stockman, Secretary of The River Bend Telephone Association, under date of May 21, 1928, did protest this increase of rates becoming effective, stating that the service was frequently unsatisfactory and not worth more than the present rates, and submitting petitions signed by thirty-one petitioners who comprise nearly half of the subscribers to the above mentioned companies, the total number being seventy-four, therein stating that the advance in rates is not justifiable at this time.

IT IS THEREFORE ORDERED, That the Commission enter into an investigation and hearing to be held at a date to be later designated concerning the propriety of the changes proposed and the lawfulness of the schedules enumerated.


IT IS FURTHER ORDERED, That the said proposed schedules be suspended and that the issue of the rates therein be deferred until the 21st day of


September, 1928, unless otherwise ordered by the Commission.


IT IS FURTHER ORDERED, That pending said hearing and decision therein, the respondent utility shall file no schedules of rates providing for any increases in the Limon Exchange area and the rates, being Colo. P.U.C. No. 3, 3rd Revised Sheet I-10, as now in effect and sought to be canceled by the schedules herein suspended shall remain in effect and force, and

IT IS FURTHER ORDERED, That the Secretary of the Commission be, and he is hereby, directed to serve upon the utility issuing the above named schedule a certified copy of this order, and that a copy of the same be served on D.E. Stockman, Secretary of the River Bend Telephone Association, in reply to said protest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
24th day of May 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

153

IN THE MATTER OF THE APPLICATION OF)
JOHN B. DADE AND ROLLIE I. DADE TO)
TRANSFER CERTIFICATE TO BOYD F.)
CRAWFORD.)

APPLICATION NO. 730-A

May 24, 1928.

S T A T E M E N T

By the Commission:

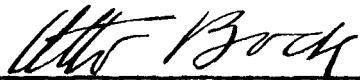
On April 14, 1927, this Commission issued a certificate of public convenience and necessity to John B. Dade and Rollie I. Dade, operating under the name and style of the Meeker-Rangely Stage Lines, authorizing a motor vehicle system for the transportation of passengers, freight and express between Meeker, Colorado and Rangely, Colorado, and intermediate points. On July 9, 1927, the Dades filed an application with this Commission requesting authority to transfer their certificate to Boyd F. Crawford of Meeker, Colorado. On October 13, 1927, this Commission issued an order to show cause why the certificate granted herein should not be revoked and canceled for failure to report and pay tax for the use of the highways, as provided by law.


This matter was set down for hearing October 31, 1927, at 10:00 o'clock A.M., at the Hearing Room of the Commission, Denver, Colorado. No appearance was made by the applicants. The undisputed evidence shows that no such report was received and no such tax was paid. On November 1, 1927, the Commission entered an order revoking and canceling the certificate issued to John B. Dade and Rollie I. Dade, Decision No. 1481. Since the certificate sought to be transferred has been revoked and canceled, nothing remains but to dismiss the application herein for transfer.


O R D E R

IT IS THEREFORE ORDERED, That the application of John B. Dade and Rollie I. Dade to transfer certificate to Boyd F. Crawford be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
24th day of May, 1928.

(Decision No. 1784)

155

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BURNS WILL FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

APPLICATION NO. 580

May 24, 1928.

Appearances: Paul R. Schwank, Denver, Colorado,
representing applicant.

S T A T E M E N T

By the Commission:

On October 13, 1927, this Commission issued an order to show cause why the certificate of the applicant should not be revoked and canceled for failure to pay the tax required under Section 10 of House Bill No. 430.

Hearing on this order to show cause was set for October 31, 1927, at 10:00 o'clock A. M., Denver, Colorado. The applicant did not appear at that time but advised the Commission by mail that Mr. Paul Schwank would make a report and pay this tax. The records of the Commission show that this tax in the amount of \$20.27 was paid.

The delay and failure to pay this tax was perhaps caused by the manner in which the applicant was conducting his operation. The Commission is advised that, during the 1927 season, one Glen D. Baird operated a car under the certificate of the applicant from Denver and from Estes Park, soliciting and originating business at both places. The Commission was also advised that others operated similarly as Baird under the applicant's certificate. Under the rules and regulations of this Commission, only the applicant can operate his equipment under a certificate issued by this Commission. Furthermore, the applicant is authorized to render only such service as his certificate permits. The certificate issued to the applicant does not

permit the solicitation and origination of business at any place except Allenspark. Any solicitation and origination of transportation business at any other place except Allenspark is contrary to the terms of the certificate. The order expressly states that it is the intention to limit this certificate to requirements of Allenspark only. Also the routes granted to the applicant all originate from Allenspark and return. Any other service given to the public by the applicant except as above described is unlawful and in violation of the terms of the certificate. The Commission construes this certificate as serving only the public at Allenspark. The certificate requires that the passenger service shall be maintained on a regular schedule from June 15 to September 15 of each year. It is our understanding that no regular schedule was offered to the public. If the applicant desires to have this feature of the certificate changed, he should apply to the Commission for such authority as provided by the rules. If the certificate issued to the applicant does not satisfy the public at Allenspark, the applicant instead of ignoring and violating the certificate should proceed in the proper manner as provided by the rules and regulations to have his certificate amended in conformity with the public needs by filing an application and having a hearing thereon.

Considerable complaint was made against holder's operations in the season of 1927, and, therefore, these matters are now called to the attention of the holder so that the same may be corrected before the opening of the season. An order will be entered dismissing the order to show cause.

O R D E R

IT IS THEREFORE ORDERED, That the order to show cause issued against the applicant on October 13, 1927, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Bock
Wm. L. Jones
W. L. Allen
Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF F. G. STEGALL FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND) APPLICATION NO. 570
NECESSITY,)

May 24, 1928

Appearances: T. Lee Witcher, Esq., Canon City, Colorado,
and A. P. Anderson, Esq., Denver, Colorado,
attorneys for applicant;
Thos. R. Woodrow, Esq., Denver, Colorado, for
The Denver and Rio Grande Western Railroad
Company and American Railway Express Company.

S T A T E M E N T

By the Commission:

On April 27, 1926, F. G. Stegall filed his application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight between Canon City and Denver. An amended application was filed in which it is alleged that if a certificate is granted to the applicant "he will not pick up or discharge any freight or commodities destined to any point between the city of Colorado Springs and the city of Denver, including the city of Colorado Springs." He further consented not to transport any freight to or from the city of Florence.

Protests were filed by The Atchison, Topeka and Santa Fe Railway Company, The Denver and Rio Grande Western Railroad Company, The Colorado and Southern Railway Company, American Railway Express Company and the Board of County Commissioners of El Paso County. A written approval of the application was filed by the Board of County Commissioners of Fremont County. The case was regularly heard on December 21, 1926. On July 16, 1927, the Commission made an order denying the application. Thereafter a motion for rehearing was filed by

the applicant. On August 25, 1927, an order was made granting the rehearing. The case was thereafter set for hearing and was heard in the Court House in Canon City on March 28, 1928.

At the hearing a large number of merchants and representatives of wholesale fruit houses testified in favor of the application. At the hearing the applicant proposed to operate daily, except Saturday, from Canon City during the fruit and vegetable seasons and to render tri-weekly service both ways between Denver and Canon City the rest of the year. He has since filed schedules which we understand to mean that he will, during the fruit and vegetable seasons, operate daily from Denver, except on Sunday, and daily from Canon City except on Saturdays.

Canon City is one of the most important fruit and vegetable centers of the State. It is highly desirable that the fruit and vegetables be shipped on the day they are gathered or picked and that they be in Denver at the wholesale markets by five or six o'clock the following morning. The train schedules of the Denver and Rio Grande Western Railroad are such that it is impossible to get the fruits and vegetables shipped by rail on the Denver wholesale markets until the second day after they are picked or gathered, due to the fact that the sales to the retailers and others purchasing in the wholesale markets are all made by about seven o'clock in the morning. It seems imperative, therefore, that there be truck transportation from Canon City for the hauling of these commodities.

While one Jones, who operated during the year 1927 and confined his operations almost solely, if not altogether, to fruit and vegetables, testified that he made some money, there is other evidence that the hauling of these commodities alone is not profitable. This other evidence is more or less supported by the fact that Jones is selling out at a figure which would indicate that his business has not been very profitable.

The merchants of Canon City testified in great number that they find the truck service more expeditious and certain than freight or express service as well as more convenient and economical, because of store door deliveries and

the saving of drayage charges; and that on account of all of these considerations they consider truck transportation a matter of public convenience and necessity. Another favorable consideration is the shorter distance of the motor vehicle route, which does not go by Pueblo. No shipper or disinterested person testified against the granting of the application.

The l.c.l. freight from Denver and intermediate points to Canon City is very light. The railroad has been doing all it apparently could to render the best possible service under the circumstances giving the city of Canon City daily deliveries. We have been advised by a communication from the railroad, received since the date of the hearing, of a further improvement in this service so far as shipments to Canon City are concerned. It is rather apparent that if a certificate is granted resulting in further losses of l.c.l. freight business by the railroad to and from Canon City, the railroad might be justified in making curtailment of its service. This the witnesses for the applicant seemed fully to appreciate and be prepared to accept.

The County Commissioners of Fremont County testified that they frequently need various supplies and machinery parts, particularly for their road camp which is situated in a canon some thirty miles north-east of Canon City at a distance from a railroad.

Francis M. Keith has a certificate of public convenience and necessity authorizing the transportation of freight between Pueblo and Canon City but not to or from any intermediate points. Ernest J. Gottula has a certificate of public convenience and necessity authorizing the transportation of freight between Pueblo and Boone and intermediate points, Pueblo and Coal Creek and intermediate points, and Pueblo and Beulah and intermediate points. Oscar E. Diehl has a certificate of public convenience and necessity authorizing the transportation of freight between Florence and Pueblo and P. P. Runkle has a certificate of public convenience and necessity authorizing the transportation of freight between Florence and Pueblo and the intermediate points of Portland and Concrete.

After careful consideration of the evidence the Commission is of

the opinion and so finds that the public convenience and necessity requires the motor vehicle operation of the applicant for the transportation of freight between Canon City and Denver except as hereinafter stated.

The Commission further finds that the public convenience and necessity does not require the transportation of any freight to or from any points between Colorado Springs and Denver or from Colorado Springs to Denver and from Denver to Colorado Springs.

The Commission further finds that the public convenience and necessity does not require the transportation by applicant of any freight between points now served by the certificate holders named, or any of them.

ORDER

IT IS THEREFORE ORDERED, That the said public convenience and necessity requires the motor vehicle operation of F. G. Stegall, applicant herein, for the transportation of freight between Canon City and Denver except as herein stated, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall not engage in the transportation of any freight to or from any points between Colorado Springs and Denver, or from Colorado Springs to Denver and from Denver to Colorado Springs.

IT IS FURTHER ORDERED, That the applicant shall not engage in the transportation of any freight between points now served by the said certificate holders or any of them.

IT IS FURTHER ORDERED, That the decision rendered on July 16, 1927, in this proceeding be, and the same is hereby, withdrawn.

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

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedules filed with this Commission except

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock

Dan S. Jones

W. A. Allen

Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

269

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF W. H. ANDERSON FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 984

May 24, 1928

Appearances: T. Lee Witcher, Esq., Canon City, Colorado
and A.P. Anderson, Esq., Denver, Colorado,
for applicant;
Thos. R. Woodrow, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande Western
Railroad Company and American Railway Express
Company, protestants.

S T A T E M E N T

By the Commission:

On November 10, 1927, W. H. Anderson filed an application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight between the city of Florence and the city of Denver and the intermediate points of Penrose and Portland. Thereafter answers and protests were filed by The Denver and Rio Grande Western Railroad Company, The Atchison, Topeka and Santa Fe Railway Company and American Railway Express Company. The case was regularly set for hearing and was heard in the Court House in Canon City on March 28, 1928. A further hearing was had in the Hearing Room of the Commission on April 30, 1928.

The applicant proposes to make the trip from Florence to Denver on Monday, Wednesday and Friday of each week and to make the return trip from Denver to Florence on Tuesday, Thursday and Saturday of each week. He proposes to leave both termini at 4 A.M. and to arrive at Denver at 10:30 and at Florence at 11:40.

Quite a number of merchants and wholesale shippers testified in support of the application. The witnesses of the protestants were only those in the employ thereof. Quite a substantial amount of vegetables and eggs are shipped from the vicinity of Florence. It is desirable that ~~the~~ ^{the vegetables} be shipped the

day they are gathered in order that they may be in Denver at the wholesale markets by 5 or 6 o'clock the following morning. The train schedules of the Denver and Rio Grande Western Railroad are such that it is impossible to get the vegetables shipped by rail on the Denver wholesale markets until the second day after they are gathered, due to the fact that the sales to the retailers and others purchasing in the wholesale markets are all made by about 7 o'clock in the morning.

The merchants of Florence testified that they find the truck service more expeditious and certain than freight and express service, as well as more convenient and economical, because of store door deliveries and the saving of drayage charges, also because of the much shorter hauling distance to and from Denver, and that on account of all these considerations they consider truck transportation a matter of public convenience and necessity. A member of the Board of County Commissioners of Fremont County testified also that in his opinion the operation of the applicant is one required by public convenience and necessity.

The l.c.l. freight from Denver and intermediate points of Florence and Portland to Canon City is very light. The railroad has been doing all it apparently could to render the best possible service under the circumstances. We have been advised by a communication from the railroad company received since the date of the hearing, of a further improvement in this service. It is rather apparent that if a certificate is granted resulting in further losses of l.c.l. business by the railroad, it might be justified in making curtailment of this service. This the witnesses for the applicant seemed fully to appreciate and be prepared to accept.

Francis M. Keith has a certificate of public convenience and necessity authorizing the transportation of freight between Pueblo and Canon City but not to or from any intermediate points. Ernest J. Gottula has a certificate of public convenience and necessity authorizing the transportation of freight between Pueblo and Boone and intermediate points, Pueblo and Coal Creek and intermediate points, and Pueblo and Beulah and intermediate points. Oscar E. Diehl has a certificate of public convenience and necessity authorizing

the transportation of freight between Florence and Pueblo and P. P. Runkle has a certificate of public convenience and necessity authorizing the transportation of freight between Florence and Pueblo and the intermediate points of Portland and Concrete.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle operation of the applicant for the transportation of freight between Florence and Denver and the intermediate points of Portland and Concrete except as hereinafter stated.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of W. H. Anderson, applicant herein, for the transportation of freight between Florence and Denver and the intermediate points of Portland and Concrete, and not to or from any other points and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall not engage in the transportation of any freight between points now served by the said certificate holders or any of them.

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

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedules filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be

hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utho Bock
Donald S. Jones
W. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

118

IN THE MATTER OF THE APPLICATION
OF JOHN O'BYRNE FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSI-
TY.

APPLICATION NO. 592.

May 28, 1928.

Appearance: John O'Byrne, Colorado Springs, Colorado, per se.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$1,500 in his motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and

unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has ~~two~~ automobiles, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle

carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

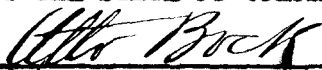
(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.


(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.


(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

110

(Decision No. 1788)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF T. E. ANDERSON FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND) APPLICATION NO. 614
NECESSITY.)

May 28, 1928.

Appearances: T. E. Anderson, Manitou, Colorado,
per se.

S T A T E M E N T

By the Commission:

On May 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$1700.00 in his motor vehicle carrier operation consisting of one automobile.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to

various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No. " followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the

applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to one automobile as appears from the testimony adduced herein.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock
Dan S. Jones
W. M. Miller
Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

166

IN THE MATTER OF THE APPLICATION)
) OF)
THE SEVEN FALLS COMPANY)
))
))
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)
-----)

APPLICATION NO. 750

May 28, 1928.

Appearances: Messrs. Chinn, Strickler & Wendelken of Colorado
Springs, Colorado, attorneys for applicant.

S T A T E M E N T

By the Commission:

On May 25, 1927 the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$6,000.00 in its motor vehicle carrier operation consisting of three automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to

various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing its tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant herein for the transportation of passengers from Seven Falls, Stratton Park, Colorado to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience

and necessity requires:


(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.


(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.


(c) That the quantity of equipment to be used in this operation shall be limited to three automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF)
THE MOUNTAIN CIRCLE AUTO COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

165
APPLICATION NO. 849

May 28, 1928.

Appearances: I. C. Collins, Mgr., Colorado Springs, Colorado.

S T A T E M E N T

By the Commission:

On May 25, 1927 the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$3,000.00 in its motor vehicle carrier operation consisting of three automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless

the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C.No." followed by the number, the first number to be No.1 (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing its tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant herein for the transportation of passengers from Colorado Springs to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience

and necessity requires:




(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to three automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - -

IN THE MATTER OF THE APPLICATION)
OF CHARLES HETER FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 856.

May 28, 1928.

Appearance: Charles Heter, Colorado Springs, Colorado, per se.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$4,000 in his motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:


- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.


(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

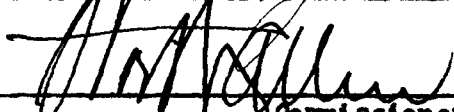
(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

(Decision No. 1792)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BERYL SPRADLING FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 864

May 28, 1928

Appearance: J. W. Kriger, Esq., Colorado Springs, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

On May 25, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$1500.00 in her motor vehicle carrier operation consisting of one automobile.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to

various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which she caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the Commission is of the opinion that the certificate herein shall not be transferable.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on her equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing her tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of

the applicant herein for the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.


(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.


(c) That the quantity of equipment to be used in this operation shall be limited to one automobile as appears from the testimony adduced herein.

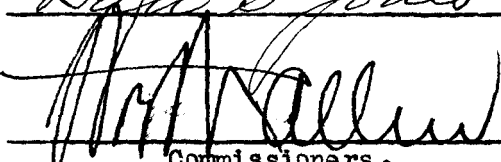
(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado
this 28th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION)
OF)
HARRY FRASER FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

213

APPLICATION NO. 915

May 28, 1928.

Appearance: Harry Fraser, per se, Manitou, Colorado.

S T A T E M E N T

By the Commission:

On July 11, 1927 the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity ^{would} require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$1,500.00 on his motor vehicle carrier operation consisting of one automobile.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless

the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

The applicant herein only has one automobile, and it appears from the testimony that the sightseeing business to which he caters is personal only, having been developed within the past several years. Owing to the size of the operation, as well as to the personal nature of the business, the commission is of the opinion that the certificate herein shall not be transferable.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding 8½ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo.P.U.C.No." followed by the number, the first number to be No.1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant herein for the transportation of passengers

from Manitou, Colorado to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.


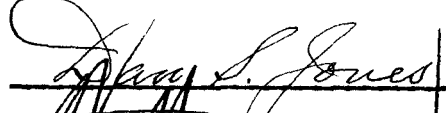

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to ~~one~~ automobile as appears from the testimony adduced herein.

(d) That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
the 28th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

128

IN THE MATTER OF THE APPLICATION }
OF MRS. D. F. GAINES FOR A CERTIFI- }
CATE OF PUBLIC CONVENIENCE AND NE- }
CESSITY. }

APPLICATION NO. 666.

May 28, 1928.

Appearance: Chester B. Horn, Esq., Colorado Springs, Colo-
rado, for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$3,300 in her motor vehicle carrier operation consisting of two automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports

on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on her equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing her tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant herein for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:


(4) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

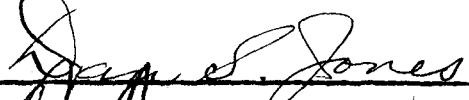
(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

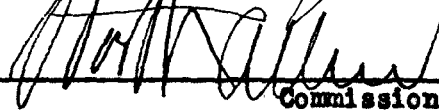
(c) That the quantity of equipment to be used in this operation shall be limited to two automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

175
(Decision No. 1795)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF OTTO QUILLIN, DOING BUSINESS)
UNDER THE NAME OF OTTO'S AUTOS)
SCENIC COMPANY, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 668

May 28, 1928

Appearance: Clyde L. Sterritt, Esq., Colorado Springs,
attorney for applicant.

S T A T E M E N T

By the Commission:

On March 29, 1927, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on May 18, 1928.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$1500.00 in his motor vehicle carrier operation consisting of three automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

Some of the applicants in sightseeing operations operate also what may be termed a taxi service at an hourly charge. Nothing, however, appears in the record from which the Commission could designate a definite territory in

which to permit such an operation. Where, however, such service is rendered to various scenic attractions in the Pikes Peak Region, the tariff should designate an hourly charge if it is desired to make such charge. Until and unless the Commission otherwise orders, such a taxi service will not be disturbed but the operations therein should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission do not conform with the rules and regulations in the following respect:

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Each tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to your certificate number and should not be confused therewith. If the sample form shown on page 38 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing his tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant herein for the transportation of passengers from Prospect Lake Auto Camp, Colorado Springs, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to three automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alfred Brock

John S. Jones

W. M. Miller
Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

IN THE MATTER OF THE APPLICATION OF)
ART W. QUINLAN FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 905

- - - - -
May 28, 1928.
- - - - -

Appearance: Art W. Quinlan, Boulder, Colorado,
per se.

S T A T E M E N T

By the Commission:

On June 18, 1927, this Commission issued a certificate of public convenience and necessity to the above named applicant, for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Hearing Room of the Commission, Denver, Colorado, on May 26, 1928.

The evidence at the continued hearing shows that the applicant has an investment of approximately two thousand seven hundred (\$2,700) dollars in three automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard recently at Boulder, Colorado. It appears that occasionally the motor vehicle operators in Boulder are called upon to make round trips to various scenic points in the State, other than those

in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge can not be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record, it will not disturb this situation but suggests that, if the operators desire to continue such a system, they ought to have their minimum and maximum mileage rates as close together as possible and have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicant to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant, Art W. Quinlan, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which,

in the opinion of the Commission, the public convenience and necessity requires;

- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service, without stop-over privileges.
- (b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.
- (c) That the quantity of equipment to be used in this operation shall be limited to three automobiles.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Udo Bock
Doug S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

183

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
E. E. HARRIS FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 895

May 28, 1928.

Appearance: E. E. Harris, Boulder, Colorado,
per se.

S T A T E M E N T

By the Commission:

On June 1, 1927, this Commission issued a certificate of public convenience and necessity to the above named applicant, for only one year from the date thereof, retaining jurisdiction of the application for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the Hearing Room of the Commission, Denver, Colorado, on May 28, 1928.

The evidence at the continued hearing shows that the applicant has an investment of approximately five hundred (\$500) dollars in one automobile.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

A number of other cases involving applications of the same general nature as that of the applicant herein were heard recently at Boulder, Colorado. It appears that occasionally the motor vehicle operators in Boulder are called upon to make round trips to various scenic points in the State, other than those in what might be termed the Boulder district; that to most of the points outside of the Boulder district the operators have on file with the Commission tariffs

fixing certain rates. It further appears, however, that because it is impracticable to attempt to fix specific rates to every scenic attraction in the State, and that because of varying road conditions, a flat mileage charge can not be made, the operators have been stating in their tariffs a minimum and maximum mileage rate to all points other than those to which fixed fares are stated. This arrangement might very easily be subject to considerable abuse if any substantial amount of business is done to the points to which those rates apply. For the time being and until the Commission has had the benefit of a more extensive record, it will not disturb this situation but suggests that, if the operators desire to continue such a system, they ought to have their minimum and maximum mileage rates as close together as possible and have them apply only to points rather far removed from Boulder and not ordinarily visited. Until and unless the Commission otherwise orders, the service by the applicant to other scenic points than in the Boulder region in the State of Colorado will not be disturbed, but such operations should be reflected in the monthly reports on the passenger mile tax.

No further certificate number will be assigned and the applicant will continue to use the present certificate number on his equipment, as provided by the rules and regulations.

The tariffs of the applicant on file with the Commission will, if they conform to the rules and regulations of the Commission, be considered as the tariffs under the final certificate.

ORDER

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant, E. E. Harris, for the transportation of passengers from Boulder to the various scenic attractions in the Boulder region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

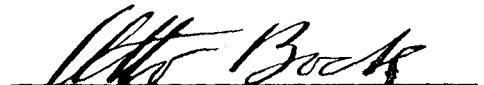
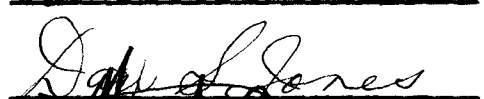
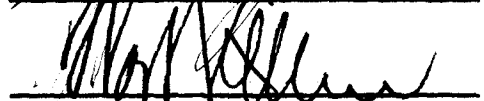
- (a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations

originating and terminating at the point of origin of the service, without stop-over privileges.

- (b) That no one-way transportation of passengers is permitted between the city of Boulder and any point where there exists regular, established transportation by either railroad or motor vehicle carriers or in part by one and in part by the other.
- (c) That the quantity of equipment to be used in this operation shall be limited to one automobile.

IT IS FURTHER ORDERED, That this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

ED S. ARMENTROUT,
Complainant,
vs.
GEORGE B. MAHON,
Defendant.

CASE NO. 363

May 28, 1928.

Appearances: O. E. Collins, Esq., Colorado Springs, Colorado,
for complainant;

Clyde L. Sterritt, Esq., Colorado Springs, Colo-
rado, for defendant.

S T A T E M E N T

By the Commission:

This is a complaint filed by Ed S. Armentrout, certificate holder operating a motor vehicle system between Green Mountain Falls and Colorado Springs, Colorado, against one George B. Mahon, who is operating as a motor vehicle carrier over the same territory without a certificate from this Commission.

This case was set down for hearing at the City Hall, Colorado Springs, Colorado, May 18, 1928, at which time counsel for defendant appeared and stated that his client did not fully understand the provisions of the law but, after being advised, has ceased operating as a motor vehicle carrier and is, therefore, willing that an order be entered against him to cease and desist such motor vehicle operations.

O R D E R

IT IS THEREFORE ORDERED, That George B. Mahon, defendant in Case No. 363,

cease and desist in operating as a motor vehicle carrier as defined in Section 1 (d), Chapter 134, Session Laws 1927 of the State of Colorado, unless and until lawfully authorized by this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alth Bock
James S. Jones
Wm. Allen
Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1928.

191

(Decision No. 1799)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOSEPH FREILLINGER, DOING BUSI-)
NESS AS THE PREMIER SIGHTSEEING) APPLICATION NO. 583-B
COMPANY, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

May 29, 1928.

Appearances: Joseph Freillinger, Denver, Colorado,
per se;
D. Edgar Wilson, Esq., Denver, Colorado,
for The Rocky Mountain Parks
Transportation Company.

S T A T E M E N T

By the Commission:

This is an application by Joseph Freillinger, doing business as the Premier Sightseeing Company, to increase his present equipment of two automobiles to three automobiles for use in the sightseeing service on the routes granted by the Commission in a certificate issued on June 6, 1927 and June 28, 1927. Protest was filed against this application by The Rocky Mountain Parks Transportation Company. This matter was set down for hearing at the Hearing Room of the Commission on May 28, 1928, at which time evidence in support of said application was received.

The record shows that this applicant is permitted to operate two automobiles in his sightseeing operations. His testimony is to the effect that because he expects to do a larger business in 1928 than he has done heretofore that therefore he should be permitted to increase his equipment. His testimony for increase applies purely to his personal convenience rather than to the public convenience and necessity.

In fact, the applicant testified that this increase in equipment was not required by the public and that under normal conditions the present equipment of all the motor vehicle sightseeing operations from Denver to the territory in question was sufficient to handle the tourist public.

After careful consideration of all the evidence introduced at this hearing the Commission is of the opinion and so finds that the public convenience and necessity does not require the increase in equipment proposed by the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the application of Joseph Freilinger, doing business as Premier Sightseeing Company, to increase his equipment, be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utto Bock

Ray S. Jones

H. H. Hallen
Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO AND SOUTHERN RAILWAY)
COMPANY FOR CURTAILMENT OF TRAIN)
SERVICE ON ITS COMO-ALMA BRANCH.)
- - - - -)

APPLICATION NO. 1051

- - - - -
May 29, 1928.
- - - - -

Appearances: J. Q. Dier, Esq. and J. L. Rice, Esq., Denver,
Colorado for The Colorado and Southern
Railway Company;
John M. Boyle, Esq., Fairplay, Colorado, Luke
J. Kavanaugh, Esq., Denver, Colorado, and
Kenaz Huffman, Esq., Denver, Colorado, for
residents of Park County.

S T A T E M E N T

By the Commission:

This is an application by The Colorado and Southern Railway Company to curtail its train service, which is now being operated six days a week, on its Como-Alma branch. The application alleges, among other facts, that the operation of one freight train when ten carloads of freight are offered on said line for transportation, with a minimum of one freight train per week in each direction on said branch, would fully serve all public needs in the territory involved; that conferences have been held by representatives of the applicant, the County Commissioners of Park County and the people residing in said territory, as well as between representatives of the applicant and a committee duly appointed at a mass meeting, for the purpose of endeavoring to agree upon the curtailment of the train service; that as a result of said conferences, and as a compromise in the matter, an agreement was, on January 18, 1928, made between the applicant and the committee to the effect that, with the approval of this Commission, the train service on said branch should be reduced to two regular scheduled round trips thereover per week

with a mixed train carrying carload and less than carload freight and passengers, and that the train service now in effect shall be reestablished at and during such times as automobiles are unable to operate over the public highway on account of snow or other causes, and that the present agency station at Fairplay should be discontinued and a custodian or other satisfactory representative should attend to the reception and delivery of freight and other business with the public at Alma and Fairplay, and that the petitioner should provide telephones in its station buildings at Fairplay and Alma.

An answer was filed by the committee making the above described agreement in which it is alleged that when the train service is curtailed as proposed, the same should remain in effect without further reduction until such time as the carload shipments on said branch fall below five hundred cars per year for two consecutive years; that the custodian or representative at Fairplay and Alma should be on full time duty for the purpose of receiving and delivering freight, receiving orders for cars, phone messages and other communications; that the applicant should keep sufficient empty cars along said branch to accommodate the shippers and to furnish extra train service when ten or more cars of freight are available for transportation over and along said branch; that the points along said Como-Alma branch heretofore designated and published by said applicant as railroad shipping points should still be carried as such in all publications to the same extent as heretofore.

Answer was also filed by Charlotte M. Bishop, representing certain mining interests in Park County. A third answer was filed by a number of citizens of Park County, headed by H. J. Tharp, opposing any curtailment whatsoever.

This matter was set down for hearing in the Hearing Room of the Commission, State Office Building, Denver, Colorado, on April 17, 1928, at which time evidence in support of and in opposition to the application was received. The testimony shows that the applicant operates a branch narrow gauge line of railroad in Park County, Colorado, extending from Como in a southerly direction for a distance of 16.3 miles to Garos, and thence northwesterly through the town of Fairplay for a distance of 15.2 miles to the town of Alma; that said branch is commonly known as the Como-Alma branch and has a total length of 31.5 miles; that there is a well improved public highway extending from Como to Fairplay and

extending thence in each direction practically parallel to said branch line of railroad from Fairplay to Alma and Garos. The main auto road from Como to Fairplay is direct instead of following the line of this carrier reducing the mileage considerably.

The commodities transported on this branch are mainly livestock and hay. Livestock generally moves in the months of September, October and November. The hay movement commences on or about August 15 of each year. For many years past The Colorado and Southern Railway Company has been operating over said branch one mixed train for the carriage of passengers and freight in each direction each day, except Sunday. Because of the great improvement of the highways in Park County and the increased use of automobiles and trucks on said highways, practically all public travel to and from the territory served by this branch is by automobile, and a certain portion of less than carload freight moved in said territory is hauled in trucks over the highways. During the year 1926 the total number of runs of the train was 626, total number of passengers carried, 671, average passengers per train per day, 1.072, average passenger revenue per day, \$2.96. In 1927 the train operated 607 runs, carrying 702 passengers, average passengers per day being 1.156, average passenger revenue per day being \$3.43. The freight service revenue for 1927 amounted to \$10,922.70. The total operating revenues received by the carrier amounted to \$14,269.70. The total operating expenses for 1927 amounted to \$53,568.44. The net deficit from the rail carrier's operation in 1927 amounted to \$39,298.74. Applicant's Exhibit 5, which was introduced to show the savings to be effected by the substitution of two scheduled trips per week instead of six trips, shows that the carrier would effect a saving of \$11,603.67 per annum. By a very great weight of the evidence, the record shows that the branch in question is mainly used for the transportation of freight; that the use of the passenger service is very slight, being a little over one passenger per day as stated. In 1927 830 cars of freight were shipped over this branch. So far, therefore, as the regular scheduled service is concerned two regular scheduled round trips per week by the train carrying passengers and both carload and less than carload freight should suffice to meet all demands of the shipping and travelling public.

Some conflicting testimony was introduced as to the number of cars per train that the engine could haul on this branch. The testimony, however, of

the rail carrier is definite to the effect that ten cars could be handled on the regular scheduled train. Furthermore, the service between Denver and Como, over which practically 95 per cent of the freight received goes, is twice a week on Tuesdays and Fridays. The scheduled service should be so coordinated on the branch that the Denver train will carry this freight. Furthermore, it is reasonable under all the evidence to require the carrier to furnish special train service when ten cars or more are offered for such transportation. On the days on which there is scheduled train operation, however, the carrier should be required for the convenience of the shipper to transport all freight offered and make proper connection at Como with the regular scheduled Denver train on Tuesdays and Fridays. It is important that the freight offered on the regular schedule days reach the markets as early as possible. The special train service referred to as going to Denver means, of course, from any point on the branch to Denver and is not related to any scheduled service.

The record is not sufficient to warrant the Commission in finding that a custodian should be substituted for the station agency at Fairplay, serving Fairplay and Alma. Until the Commission otherwise orders, the station agency service at Fairplay should be continued.

Several large shippers appeared and testified to the effect that the proposed schedule as arrived at in the conference between shippers and carrier would be satisfactory. The testimony in opposition to the application was not sufficient to convince the Commission that no curtailment should be allowed. The traffic offered by the mining industry at Alma is not of sufficient quantity to warrant the Commission in requiring a daily freight service.

There have been filed with the Commission applications by M. L. Miller and Richard A. Spurlock to serve the public by motor transportation between Fairplay, Alma and Como. The Commission will set these application down for hearing, to be determined prior to the effective date of this order, so that the public will not be inconvenienced if the public convenience and necessity requires such motor transportation.

After careful consideration of all the evidence introduced at the hearing, the Commission is of the opinion and so finds that the needs of the shipping and travelling public will be satisfied by two regular scheduled round trips per week, with a mixed train carrying carload and less than carload freight and

passengers, upon the following conditions:

That the train service shall be reestablished at and during such times as automobiles are unable to operate over the public highways between Como and Fairplay, the county road supervisor to determine when such a condition exists.

That the present agency station at Fairplay shall be continued until otherwise ordered by this Commission, and that telephone service shall be provided in the station buildings at Fairplay and Alma.

That the carrier shall receive and transport all freight offered by the public on the days on which the regular scheduled train is operated.

That the carrier shall furnish special train service when it is offered in ten cars or more on any days on which there is no regular scheduled service.

That the said two regular scheduled round trips per week shall not be disturbed until the Commission further orders otherwise.

That the points along said Como-Alma branch heretofore designated and published by the carrier as shipping points shall still be continued as such in all publications of said carrier to the same extent as heretofore.

That this order entered herein shall become effective on June 15, 1928.

ORDER

IT IS THEREFORE ORDERED, That The Colorado and Southern Railway Company be, and it is hereby, authorized to curtail its mixed train service on the Como-Alma branch to two regular scheduled round trips per week, with a mixed train carrying carload and less than carload freight and passengers, upon the following conditions:

(a) That the train service shall be reestablished at and during such times as automobiles are unable to operate over the public highways between Como and Fairplay, the county road supervisor to determine when such a condition exists.

(b) That the present agency station at Fairplay shall be continued until otherwise ordered by this Commission, and that telephone service shall be provided in the station buildings at Fairplay and Alma.

(c) That the carrier shall receive and transport all freight offered by the public on the days on which the regular scheduled train is operated.

(d) That the carrier shall furnish special train service when it is offered in ten cars or more on any days on which there is no regular scheduled service.

(e) That the said two regular scheduled round trips per week shall not be disturbed until the Commission further orders otherwise.

(f) That the points along said Como-Alma branch heretofore designated and published by the carrier as shipping points shall still

be continued as such in all publications of said carrier to the same extent as heretofore.

That this order shall become effective on June 15, 1928.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Uth Bock

Dan S. Jones

North Allen
Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1928.

(Decision No. 1801)

271

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CHEYENNE MOUNTAIN COMPANY FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 1089
AND NECESSITY.)

May 31, 1928.

Appearances: J. A. Carruthers, Esq., Colorado Springs,
Colorado, for applicant;
C. H. Smith, Esq., Colorado Springs, Colo-
rado, for protestants.

S T A T E M E N T

By the Commission:

This is an application by The Cheyenne Mountain Company, a Colorado corporation, for a certificate of public convenience and necessity to operate a regular scheduled passenger sightseeing service by busses between Colorado Springs and the summit of Cheyenne Mountain over the Cheyenne Mountain Highway. Protests were filed against this application by The Antlers Livery & Taxicab Company, The Gray Line Motor Tours, Anderson & Harry, Hammond Scenic Auto Company, Inc., Buster & Williams Touring Company and Conway Bros. All of the protestants are certificate holders operating a motor vehicle carrier sightseeing service in the Pikes Peak Region.

The first hearing had on this application was held in the City Hall, in Colorado Springs, Colorado, on the 11th day of April, 1928. At that time at the request of the protestants, it was stipulated that they should have ten days in which to file a protest against this application if they desired to do so; that if no protests were filed, the Commission could enter its

order on the record as then made.

The above mentioned protests were filed subsequently and the Commission thereafter set this application for further hearing on May 18, 1928, in the City Hall, in Colorado Springs, Colorado, at which time further testimony was received. The testimony shows that the applicant has an investment of approximately \$450,000; that it is the owner of four fourteen passenger White Motor Company busses of a value of \$6000; that the proposed operation will tend to promote, increase and develop the tourist travel to the summit of Cheyenne Mountain; that the present rate by certificate holders in touring cars not operated on regular schedule is \$2.00 per person, and, if transportation is made in connection with other tours to other scenic interests, it is \$1.50 per person; that the purpose of the proposed operation is to give the tourist public, as well as the public in Colorado Springs, an opportunity to visit the summit of Cheyenne Mountain on a regular scheduled service at the rate of \$1.00 per person; that the public at Colorado Springs, as well as the tourists who come there, could, by the proposed operation, spend some time on the summit of Cheyenne Mountain by staying up there between busses on scheduled service. The scheduled service proposed is as follows:

PM	PM	AM	AM		AM	PM	PM	PM
5:00	2:00	11:00	8:30	Lv. Colorado Springs	Ar. 11:00	1:30	4:30	7:30
6:00	3:00	12:00	9:30	Ar. Summit Cheyenne Mountain	Lv. 10:00	12:30	2:30	6:30

The public taking advantage of this operation would be transported at a \$1.00 or 50¢ less rate than the lowest present rate furnished by certificate holders operating touring cars and busses, and a passenger could leave Colorado Springs at 8:30 AM and remain on the summit of Cheyenne Mountain until 6:30 PM. No such service is now offered to the public on this trip to the summit of Cheyenne Mountain.

Testimony of the protestants is to the effect that the rate of \$1.00 is non-compensatory and so unreasonably low as to be confiscatory; that the

applicant in using the depot of the Pikes Peak Auto Company, as is contemplated, would congest traffic and would interfere with the depot of the protestant, The Gray Line Motor Tours; that it is unsafe for the traveling public to operate busses on the scenic tours in the Pikes Peak Region because of narrow roads and sharp dangerous curves on most of said tours, including Cheyenne Mountain; that the equipment now in use in the Pikes Peak Region is adequate to serve and transport the traveling public to the various points of scenic interest. The testimony as to whether the rate proposed is compensatory or not is not very satisfactory. No definite evidence was produced which would indicate that the \$1.00 rate to the summit of Cheyenne Mountain per bus seating fourteen passengers is unreasonably low and confiscatory. The applicant's testimony, mainly based on conclusions, is to the effect that it would be a compensatory rate. Evidence that the use of the depot by the applicant at the office of The Pikes Peak Auto Company is an unfair advantage and that traffic will be congested if operation is conducted from there was not clear and was insufficient to base a finding thereon. Moreover, the matter of street congestion in Colorado Springs is one for determination and solution by the city of Colorado Springs. It licenses and exercises considerable authority over all motor vehicle operators conducting their operations in and from that city. The following language by the Massachusetts Department of Public Utilities in Re New York, New Haven & Hartford R. Co., et al, P.U.R. 1926D, 157,159, is applicable here:

"We do not deem it necessary in considering this petition to deal with the problem of congestion in the streets of Boston. Generally speaking the determination of the problem of congestion of the streets should be left to the authorities of the respective communities. Licenses must be obtained from each municipality in which the motor bus operates."

While we believe that there is sufficient equipment now to serve the tourist public at Colorado Springs to the scenic attractions in the Pikes Peak Region, as related to touring cars, for round trip service, yet the applicant in question here proposes a regular scheduled service rather than a touring car service offering to the public a more convenient way to enjoy

the scenic attractions on the summit of Cheyenne Mountain at a rate of \$1.00 or 50% less per passenger than the public now enjoys. With the reduced rate more business may be developed. After all, the main concern of the Commission is the convenience and necessity of the public and a reduction in rates, if based upon sound economics, is always in the interest of the public. As stated above, the record is not sufficient on which to determine definitely whether this operation at \$1.00 per round trip from Colorado Springs to the summit of Cheyenne Mountain is compensatory.

Even if we assume, for the sake of argument, that the fare proposed will not be compensatory, there is serious doubt whether that fact of itself is enough to warrant the Commission in denying the application. The applicant might be able to render this service to the public for an indefinite length of time without making any profit on this particular operation and without making an excessive charge for any other common carrier operation. In view of the large number of operators in the sightseeing business in Colorado Springs and the fact that this trip is but one of a great number, it would seem rather certain that the public will continue to be taken care of in the district on this tour as well as others, even though at some later date the applicant herein might find it inadvisable to continue operating on the fare proposed, or at all.

In *Farmers Tel. Co. v. Wis. Tel. Co.* P.U.R. 1928A, 486, it appears that the Wisconsin Telephone Company was furnishing telephone service in Lancaster at rates which probably were causing a loss to the company. A competing concern, the Farmers Telephone Company of Lancaster, filed with the Wisconsin Commission a petition alleging that the rates for local service charged by the Wisconsin Telephone Company at Lancaster are discriminatory, and requesting the Commission to establish uniform rates for telephone service in the city of Lancaster applicable to both the Wisconsin Telephone Company and the Farmers Telephone Company. We quote at some length from the decision of the Wisconsin Commission as follows:

"In administering the public utility act, this Commission has construed the law to mean that a utility may reduce its rates without the formality of a hearing by merely filing the new schedule with the Commission, subject, of course, to the power of the Commission to act should there be discriminatory or other objectionable features in the proposed schedule. It has been assumed that the utility management is competent to determine whether a lower rate is consistent with the financial status of the company, and even though a utility has placed in effect rates which are less than the actual cost of the service rendered, the Commission has not seen fit to interfere unless the successful operation of the utility were threatened, or unless unjust discrimination were created thereby. In other words, the Commission has refrained from taking action which would deprive the public of the benefits of a low service rate if the company is willing to provide service on that basis.

"In the present case, there can be no reasonable question of the ability of the Wisconsin Telephone Company to continue to furnish telephone service in Lancaster even at a loss; and such loss would, under proper accounting practice, be taken from the amount available for return and would not be charged to the cost of operation of any other property of the company. The Commission has no information to indicate that the losses sustained at Lancaster have not been taken care of properly in this manner. The two companies which are competing at Lancaster are on an equal footing as regards the legal right to serve. If, therefore, either should prove to be unable to meet the competition of the other and should retire from the field, the city of Lancaster would still be in a position to secure reasonably adequate service at reasonable rates. There is nothing in the present situation, therefore, which jeopardizes the telephone service of the people of Lancaster other than the competitive condition which this Commission is powerless to eliminate."

"* * * No limit is placed upon such competition by the statutes except such regulations as have been made generally applicable to all business operations. Whether either company has been guilty of unfair practices as regards the other utility is not a question for the determination of this Commission.

"The sole question presented for decision is whether under the existing competitive conditions the existing rates are unreasonable or discriminatory as regards the public. No request for authority to increase rates having been made by the Wisconsin Telephone Company, the reasonableness of the rates as regards the company is not in issue.

"The Commission finds:

- "1. That the existing rates of the Wisconsin Telephone Company are reasonable as regards the public served thereunder.
- "2. That the fact that these rates are lower than the Commission would be obliged to authorize upon the proper application of the Wisconsin Telephone Company does not give rise to unjust discrimination against other tele-

phone users in the city of Lancaster or against other patrons of the Wisconsin Telephone Company in other cities.

- "3. That the rates complained of are not such as to jeopardize the furnishing of reasonably adequate telephone service to the city of Lancaster."

The Commission in 1927 issued certificates good for one year applying to the general run of sightseeing operations in the Pikes Peak region, in order that it might have the benefit of the experience gained by the regulated operations during that season before issuing final certificates. We are inclined to believe that it is advisable to follow the same procedure with this application. It is not certain that the applicant herein will want to continue operation of busses on this tour after it has had the benefit of the experience of this season's operations. Moreover, it makes as a part of its application the fare named. If it cannot succeed or make a profit with this fare it may not want to continue the same, although it might continue the busses in operation.

The Commission, therefore, finds that the public convenience and necessity requires that the applicant operate the proposed regular scheduled service by motor busses between Colorado Springs and the summit of Cheyenne Mountain during the season of 1928 at the fare proposed. The Commission will retain jurisdiction over this application until further order is made prior to the beginning of the season of 1929.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor bus operation by The Cheyenne Mountain Company on regular schedule four times per day between Colorado Springs and the summit of Cheyenne Mountain for the season of 1928 only, charging a fare of \$1.00 per person for the round trip, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file with this Commission, within at least twenty days, tariff of rates, rules and regulations, and a schedule as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers; and that this certificate is issued subject

to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That the Commission shall retain jurisdiction over this application until it has been finally disposed of.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock

Dan S. Jones

Montgomery
Commissioners.

Dated at Denver, Colorado,
this 31st day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - -

C. H. WILLIAMS AND SON,
Complainant,

vs.

FRANK HART, ET AL.,
Defendant.

CASE NO. 283.

- - - - -
May 31, 1928.
- - - - -

S T A T E M E N T

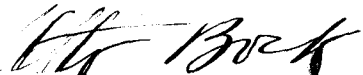
By the Commission:

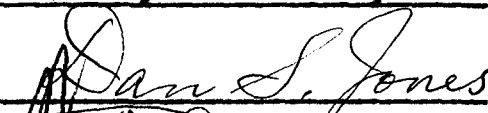
On May 25, 1928, the complainant filed a motion to dismiss the
above entitled case.


O R D E R

IT IS THEREFORE ORDERED, That the case of C. H. Williams and Son,
Complainant, vs. Frank Hart, et al., Defendant, No. 283, be, and the same
is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 31st day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

C. H. WILLIAMS & SON,
Complainant,
vs.
OTIS WILKERSON, ET AL.,
Defendant.

CASE NO. 284.

May 31, 1928.

STATEMENT

By the Commission:

On May 25, 1928, the complainant filed a motion to dismiss the above entitled case.

ORDER

IT IS THEREFORE ORDERED, That the case of C. H. Williams and Son, Complainant, vs. Otis Wilkerson, et al., Defendant, No. 284, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock
Ray S. Jones
W. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 31st day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - -

GEORGE G. GARRETT, DOING BUSINESS
UNDER THE FIRM NAME AND STYLE OF
THE MC KIE TRANSFER COMPANY,

Complainant.

vs.

THE LONGMONT MOTOR EXPRESS, OPERAT-
ED BY LYLE G. RICE, S. W. PICKETT
AND W. B. CHASE,

Defendants.

CASE NO. 301.

May 31, 1928.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request by counsel for the com-
plainant under date of May 24, 1928, to dismiss the above complaint.

O R D E R

IT IS THEREFORE ORDERED, That the case of George G. Garrett, Com-
plainant, vs. The Longmont Motor Express, Defendant, No. 301, be, and the
same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. F. Bock
Spencer L. Jones
W. H. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 31st day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

R. M. VAN DEUSEN, ET AL.,

Complainant,

vs.

THE DENVER AND INTERMOUNTAIN RAIL-
ROAD COMPANY,

Defendant.

CASE NO. 310.

May 31, 1928.

S T A T E M E N T

By the Commission:

The Commission is advised by counsel for the complainant that the parties interested herein have entered into an arrangement of settlement and, therefore, request authority to dismiss the above entitled case.

O R D E R

IT IS THEREFORE ORDERED, That the case of R. M. Van Densen, et al., vs. The Denver and Intermountain Railroad Company, No. 310, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ullrich Brock
John A. Jones
James M. Allen
Commissioners.

Dated at Denver, Colorado,
this 31st day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - -

CITY OF BOULDER,

Complainant,

vs.

THE DENVER AND INTERURBAN RAILROAD
COMPANY, ET AL.,

Defendant.

CASE NO. 311.

- - - - -
May 31, 1928.
- - - - -

S T A T E M E N T


By the Commission:


The Commission is in receipt of a communication from counsel for complainant to the effect that the above entitled case should be dismissed.


O R D E R

IT IS THEREFORE ORDERED, That the case of City of Boulder, Complainant, vs. The Denver and Interurban Railroad Company, et al., Defendant, No. 311, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 31st day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - -

TOWN OF LOUISVILLE, COLORADO,

Complainant,

vs.

THE DENVER AND INTERURBAN RAILROAD
COMPANY, ET AL.,

Defendant.

CASE NO. 312.

May 31, 1928.

S T A T E M E N T

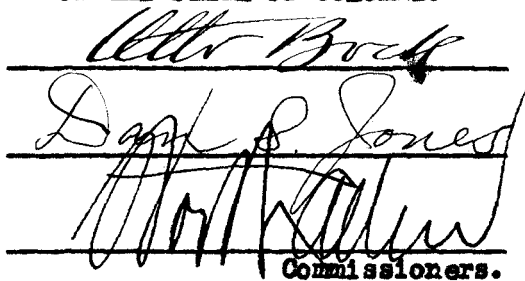
By the Commission:

The Commission is in receipt of a communication from counsel for complainant authorizing the dismissal of the above case, inasmuch as the issues therein have heretofore been determined by unfavorable action of the U. S. District Court of the District of Colorado and the Circuit Court of Appeals of the Eighth Circuit.

O R D E R

IT IS THEREFORE ORDERED, That the case of the Town of Louisville, Complainant, vs. The Denver and Interurban Railroad Company, et al., Defendant, No. 312, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 31st day of May, 1928.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

THE COLORADO AND NEW MEXICO COAL
OPERATORS' ASSOCIATION,)

Complainant.)

Vs.)

CASE NO. 296

THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, CHICAGO, BURLING-)
TON & QUINCY RAILROAD COMPANY,)
CHICAGO, ROCK ISLAND AND PACIFIC)
RAILWAY COMPANY, THE COLORADO AND)
SOUTHERN RAILWAY COMPANY, THE DENVER)
AND RIO GRANDE WESTERN RAILROAD COM-)
PANY AND UNION PACIFIC RAILROAD)
COMPANY.)

Defendants.)

- - - - -

- - - - -
May 31, 1928.
- - - - -

Appearances: Albert L. Vogl and F. O. Sandstrom, 806 Patterson
Building, Denver, Colorado, for complainant;
A. B. Enoch, Room 1025 La Salle Street Station,
Chicago, Illinois;
J. C. La Coste, Kansas City, Missouri;
D. Edgar Wilson, Denver, Colorado, for Chicago,
Rock Island and Pacific Railway Company;
J. Q. Dier, Denver, Colorado for The Colorado and
Southern Railway Company, and Chicago, Burlington
& Quincy Railroad Company;
Henry C. Vidal and J. C. Bailey, Colorado Springs,
Colorado for Pikes Peak Fuel Company, interveners.

S T A T E M E N T

By the Commission:

This matter is before the Commission by virtue of the complaint of
the above named complainant in Case 296, filed with the Commission March 17, 1926.

Complainant is a Colorado corporation, organized not for profit, composed
of producers of coal in various districts in Colorado and New Mexico, including
those of the so-called northern Colorado district, approximately 23 miles north
of Denver. It alleges that the defendants in the transportation of coal from
the northern fields publish and maintain rates which are unjust, unreasonable

and excessive on shipments to destinations on the line of the defendant, The Chicago, Rock Island and Pacific Railway Company east of Limon, Colorado, to the state line, and that the traffic of the said northern fields is subjected to undue and unreasonable prejudice and disadvantage, and that mines and shippers of coal located at Pikeview are accorded undue and unreasonable preference and advantage over the mines and shippers of coal from the northern fields, which constitutes an unlawful discrimination against the shippers located in the northern fields in favor of the shippers located in the Pikeview district. Reasonable and non-prejudicial rates for the future are sought. Rates and differences in rates will be stated in amounts per ton of 2000 pounds.

A similar complaint was filed with the Interstate Commerce Commission involving rates from the same origin groups to interstate destinations in Kansas, Nebraska, Missouri and Iowa. In pursuance to notice duly given by the Interstate Commerce Commission and by the Colorado Commission, the matter was set down for hearing and heard at Estes Park, Colorado, September 9, 1926, at 10:00 o'clock A. M. Before representatives of both commissions.

The Pikes Peak Fuel Company with mines at Pikeview, intervened in opposition to the complaint. At the hearing this intervener also filed a motion for continuance on the ground that it intended to file a complaint making similar allegations in respect of the rates from its mine to destinations on the Union Pacific and the Chicago, Burlington and Quincy, and that the entire body of rates should be considered together. It is this intervener's position that if there is undue prejudice by reason of the adjustment of rates to Rock Island destinations, it is offset by the advantages enjoyed by mines in northern Colorado in respect of traffic to destinations on other lines. There is nothing to indicate lack of opportunity on the part of this intervener seasonably to have prepared and filed a complaint raising the issues on which it desired to rely. The motion for continuance of this proceeding was properly denied by the presiding commissioner.

The mines of what might be termed the component members of the complainant are served by the Colorado and Southern, the Union Pacific, and the Chicago, Burlington & Quincy, and the average distance from all mines to Denver is 23.7 miles. The rates assailed apply over these lines to Denver and/or

Pullman and the Rock Island beyond. The alleged preferred mine at Pikeview is served by the Denver and Rio Grande Western and shipments therefrom move over that line to Colorado Springs and the Rock Island beyond. The rates hereinafter referred to are those on lump coal.

Hereinafter the various railroads mentioned will be referred to as follows:

The Atchison, Topeka and Santa Fe Railway Company as Santa Fe.
Chicago, Burlington & Quincy Railroad Company as the Burlington.
The Colorado and Southern Railway Company as the Colorado and Southern.
Union Pacific Railroad Company as the Union Pacific.
The Chicago, Rock Island and Pacific Railway Company as the Rock Island.
The Denver and Rio Grande Western Railroad Company as the Rio Grande.
Missouri Pacific Railroad Company as the Missouri Pacific.

The present rates in effect to Limon, Colorado, at which point traffic from the two fields meet, are as follows: Pikeview, \$1.74, Northern Colorado, \$3.06 in connection with the Rock Island, \$2.90 in connection with the Union Pacific when originating at points on the Colorado and Southern and/or the Burlington, and \$2.45 when originating at points on the Union Pacific. The rates from Pikeview to points east of Limon in Colorado are on a graduated scale, viz: Genoa \$1.86, Bovina \$1.90, Arriba \$1.92, Flagler \$2.18, Seibert \$2.24, Vona \$2.29, Stratton \$2.31, Bethune \$2.42, Burlington \$2.44 and Peconic \$2.55, while the rates from northern Colorado to the same destinations blanket from Genoa to Peconic at \$3.10. The distance to Limon from Pikeview is 83 miles and from northern Colorado 114 miles, a difference of 31 miles between the two districts.

It appears, that since traffic from the two districts meets at Limon, the logical conclusion is to determine, what, if any, difference should prevail at that point and to maintain the same rates relatively to all points east thereof in Colorado.

Complainant's exhibit shows the following distance scales in the surrounding territory (we have extended said scales for only the distances which are comparable with the distances involved in this proceeding.)

K A N S A S				T E X A S				O K L A H O M A			
Miles	Rate	Interstate Traffic				Intrastate Traffic		Miles	Joint Line		
		Single Line Rates	Joint Line Rates	Single Line Rates	Joint Line Rates	Coal	Slack Coal				
5	80	5 and less	60	70	39	62	5	95	83		
10	100	10 " over 5	60	70	39	62	10	95	83		
15	110	20 " " 10	60	70	44	67	15	105	92		
20	110	30 " " 20	60	70	49	71	20	105	92		
25	110	40 " " 30	60	80	53	76	25	115	100		
30	110	50 " " 40	70	100	61	84	30	115	100		
35	110	60 " " 50	70	100	67	90	35	125	109		
40	130	70 " " 60	70	100	73	96	40	125	109		
45	140	80 " " 70	80	110	80	103	45	135	117		
50	140	90 " " 80	100	110	87	109	50	135	117		
55	140	100 " " 90	100	130	91	114	55	144	125		
60	140	110 " " 100	100	130	96	118	60	144	125		
65	170	120 " " 110	110	130	100	123	65	148	127		
70	170	130 " " 120	110	130	105	128	70	148	127		
75	180	140 " " 130	110	140	109	132	75	157	135		
80	180	150 " " 140	130	140	115	138	80	157	135		
85	180	160 " " 150	130	140	120	143	85	166	143		
90	180	170 " " 160	130	140	125	147	90	166	143		
100	200	180 " " 170	140	160	129	152	95	175	150		
110	200	190 " " 180	140	160	134	156	100	175	150		
115	200	200 " " 190	140	170	138	161	110	177	151		
120	200						120	184	157		
125	210						130	186	158		
130	210						140	193	164		
135	220						150	200	170		
140	220						160	206	175		
145	220						170	212	180		
150	220						180	218	185		
155	220						190	224	190		
160	220						200	230	196		
165	230										
170	230										
175	230										
180	240										
185	240										
190	240										
195	240										
200	250										

N O R T H D A K O T A				H O L M E S & H A L L O W E L L S C A L E			
Distances		Rate		Distances		Rate	
30 miles and less		73		30 miles and less		85	
40 " " over	30	85		40 " " over	30	94	
50 " " "	40	97		50 " " "	40	102	
60 " " "	50	97		60 " " "	50	111	
70 " " "	60	97		70 " " "	60	119	
80 " " "	70	109		80 " " "	70	128	
90 " " "	80	109		90 " " "	80	136	
100 " " "	90	122		100 " " "	90	145	
110 " " "	100	122		110 " " "	100	153	
120 " " "	110	122		120 " " "	110	160	
130 " " "	120	122		130 " " "	120	168	
140 " " "	130	134		140 " " "	130	175	
150 " " "	140	134		150 " " "	140	182	
160 " " "	150	134		160 " " "	150	190	
170 " " "	160	146		170 " " "	160	197	
180 " " "	170	158		180 " " "	170	204	
190 " " "	180	158		190 " " "	180	211	
200 " " "	190	170		200 " " "	190	219	

The Holmes and Hallowell scale was prescribed by the Interstate Commerce Commission for application from the head of the lakes to destinations in Minnesota, North Dakota and South Dakota, 69 I.C.C. 11.

The record does not show the conditions surrounding the establishment of these state scales or whether they actually move the traffic in the various states. However, generally speaking, carriers' tariffs carry an alternative application, whereby if the rates named in one section of the tariff are lower than the rates named in another section, the lower rates will apply, from which we draw the conclusion that if these rates do not move the traffic, it is moved at rates even lower than the ones shown in the scales.

The average per mile of road density of traffic for the year 1924 is as follows: Kansas, 941,849; Texas, 896,631; Oklahoma, 879,178; North Dakota, 674,046 and Colorado 709,200. With the exception of North Dakota the traffic density in these states exceeds that of Colorado.

In cases 244 and 250, decision 611, decided June 4, 1923, this Commission prescribed rates from Walsenburg, Canon City and Trinidad districts to destinations on all lines in Colorado east of Denver, Colorado Springs, Pueblo and Trinidad. In that case the following rates were prescribed as reasonable maximum rates on lump coal.

Rock Island

Destination	Walsenburg - Canon City	Trinidad
Limon	2.55	2.80
Bovina	2.70	2.95
Arriba	2.70	2.95
Flagler	2.90	3.15
Vona	3.00	3.25
Stratton	3.05	3.30
Burlington	3.20	3.45

Missouri Pacific

Nepesta	1.76	2.00
Sugar City	2.00	2.25
Arlington	2.20	2.45
Haswell	2.30	2.55

Santa Fe

El Moro	1.60	1.10
Thatcher	1.85	1.35
Timpas	2.10	1.65
La Junta	2.10	1.85
Las Animas	2.25	2.00
Lamar	2.55	2.30

Operators in northern Colorado testify that the coals produced in that district vary greatly in quality. That produced in Boulder county is sub-bituminous and commands a price of \$1.00 or \$1.25 per ton higher than that produced in Weld County. That from the Lafayette district, also sub-bituminous, brings about 50 to 60 cents per ton more than that from Weld county. The latter is a lignite and the testimony shows that it is the only coal produced in northern Colorado which is at all comparable with that produced at Pikeview. Witnesses for complainants testify that the high grade sub-bituminous coals produced in northern Colorado are not sufficient to supply the local demand and that the Weld county coal is the only coal available for shipment to points other than Denver and northern Colorado. They testify further that in order to sell this coal in competition with Pikeview they must meet the delivered prices made by that mine, and that any difference in the freight rate must be absorbed by them.

On the other hand, a witness for the Pikes Peak company testified that the Pikeview coal had never been a factor in the trade at the Missouri river markets until it was given a differential under northern Colorado by the Rock Island; that the Pikeview mine could not ship to destinations on the Burlington and Union Pacific where northern Colorado mines enjoy a rate advantage; that the Rock Island affords it the only destination territory to the east where it can successfully compete; that even in this territory its sales have fallen off from 20,000 tons in 1923 to 12,000 in 1925; and that in 1925 northern Colorado mines shipped 108 cars to destinations on the Rock Island as compared with 404 cars from Pikeview.

Exhibits of record show that in December, 1925, and January, 1926, the price delivered in Denver of coals from northern Colorado and from Pikeview mines were as follows: Grant mine (Weld county) lump \$5.70 for ordinary, and \$6.20 for specially prepared; Puritan mine (Weld county) lump, \$6.50; Pikeview, \$6.20 and \$6.75. Northern Colorado mines enjoy a rate advantage of 25 cents at Denver and complainants urge that the ability to sell Pikeview coal in Denver at prices as high as or higher than that obtained for northern Colorado coal in the face of a rate disadvantage, refutes the testimony of its witness in respect of the situation along the Rock Island. The witness for the Pikes Peak company testified that the yard in Denver was established in an endeavor to find a market to make up for the lost demand in other directions and that business since 1923

has shown a steady decline. In 1923 the movement to Denver was 23,221 tons as compared with 15,064 tons in 1924 and 13,515 tons in 1925.

The Rock Island contends that the rates from Pikeview are depressed and are less than reasonable maxima, made purposely so in order to afford the Pikeview mine an opportunity to dispose of some of its coal to Rock Island destinations. However, there is nothing of record which substantiates the contention that these intrastate rates are depressed or subnormal.

As heretofore shown the routes from the two districts meet at Limon, so that any difference in transportation conditions must exist, if at all, west of that point. The Rock Island makes no serious contention that transportation conditions are not substantially similar from Denver to Limon as from Colorado Springs to Limon. Coal from the Pikeview mine moves less than five miles into Colorado Springs before tender to the Rock Island. The average distance from mines in northern Colorado to Denver is 23.7 miles.

From the record we find that the present rates from Pikeview to destinations on the Chicago, Rock Island and Pacific Railway, Limon and east thereof to the state line are reasonable maximum rates and that the rates from the so-called "Northern Colorado fields" to Limon are unreasonable, excessive and prejudicial to the extent that they exceed a rate of \$2.15, and to destinations east thereof, they are unreasonable, excessive and prejudicial to the extent that they exceed the present Pikeview rates by more than 40 cents.

O R D E R

This case being at issue upon complaint and answers on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof.

IT IS ORDERED, That the above named defendants, according as they participate in the transportation, be, and they are hereby, notified and required to cease and desist, on or before July 16, 1928, and thereafter to abstain from publishing, demanding or collecting rates for the transportation of coal, in carloads, from and to the points specified in the succeeding paragraph hereof which shall exceed the rates therein prescribed.

IT IS FURTHER ORDERED, That the above named defendants according as they participate in the transportation, be, and they are hereby, notified and required to establish, on or before July 16, 1928, upon notice to this Commission and to the general public by not less than thirty days' filing and posting in the manner prescribed in section 16 of the Public Utilities Act, and thereafter to maintain and apply to the transportation of coal, in carloads, from mines in the northern Colorado district to Limon, Colorado, on the Rock Island, a rate of \$2.15 and to destinations on the Rock Island east thereof, rates which shall not exceed by more than 40 cents per ton of 2000 pounds the present rates on coal, in carloads, from the mine at Pikeview, Colorado, to the same destinations.

AND IT IS FURTHER ORDERED, That this order shall continue in force until the further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Bock
Samuel S. Jones
Wm. H. Miller
Commissioners.

Dated at Denver, Colorado,
this 31st day of May, 1928.

(Decision No. 1809)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION)
OF MILDRED R. YOUNG FOR A CERTI*)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1061

June 2, 1928

S T A T E M E N T

By the Commission:

On April 27, 1928, the application of Mildred R. Young for a certificate of public convenience and necessity was heard in the Court House in Glenwood Springs. There was a substantial amount of evidence to the effect that there is enough freight transported between Rifle and Meeker to warrant the issuance of a certificate to the applicant even though two certificates already have been granted authorizing operations between these two points. Neither of the certificate holders appeared at the hearing in person or by attorney.. The evidence on this point was not as specific and detailed as the Commission feels it should be before making a final order. The Commission feels that it should have somewhat definite evidence of the ability or inability of the two certificate holders to take care of said business adequately.

O R D E R

IT IS THEREFORE ORDERED, On the Commission's own motion that a further hearing herein be held at the Court House in Glenwood Springs on June 27, 1928, at 10 o'clock A.M. which shall be limited to that part of applicant's operations which she proposes to conduct in hauling freight to and from Meeker and Rifle as distinguished from the miscellaneous business originating or terminating in Rangley and points out-

side of Meeker and Rifle.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Back

Sam L. Jones

W. H. Miller
Commissioners.

Dated at Denver, Colorado,
this 2nd day of June, 1928.