(Decision No. 24765)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY TRUBY AND BEN TRUJILLO, DOING)
BUSINESS AS "TRUBY & TRUJILLO,")
FARMINGTON, NEW MEXICO, FOR AUTH-) PERMIT NO. B-3101-I
ORITY TO TRANSFER INTERSTATE OPERAT-)
ING RIGHTS TO RAY TRUBY, FARMINGTON,)
NEW MEXICO.)

July 25, 1945

S T A T E M E N T

By the Commission:

Heretofore, Ray Truby and Ben Trujillo, doing business as "Truby & Trujillo," Farmington, New Mexico, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as private carriers by motor vehicle for hire in interstate commerce, and Permit No. B-3101-I issued to them.

Said permit-holders now seek authority to transfer said operating rights to Ray Truby, Farmington, New Mexico.

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

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

O R D E R

IT IS ORDERED:

That Ray Truby and Ben Trujillo, doing business as "Truby & Trujillo," Farmington, New Mexico, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-3101-I to Ray Truby, Farmington, New Mexico, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of July, 1945.

mw

(Decision No. 24766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS HAUGEN, STRASBURG, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.) APPLICATIONS NOS. 1007-AAA
1564 TO RONALD P. ROGERS, DOING) 1284-AA-B-AA
BUSINESS AS "ROGERS TRUCK LINE,")
STRASBURG, COLORADO.)

July 25, 1945

Appearances: Thomas Haugen, Strasburg, Colorado, pro se;
Ronald P. Rogers, Strasburg, Colorado, pro se.

S T A T E M E N T

By the Commission:

Thomas Haugen herein seeks authority to transfer to Ronald Rogers, doing business as "Rogers Truck Line," Strasburg, Colorado, the operating rights retained by him after transfer of certain rights to David Small, which said rights so retained by him are particularly described in Decision No. 22577, being:

> freight, except milk, cream, poultry, and eggs, on call and demand, between points in the territory described as: the territory bounded on the east by Bijou Creek, on the north by the north line of Adams County, on the west by the highways which run north and south from Bennett, Colorado, that is to say, by (a) the highway which runs north from Bennett to connect (in Weld County) with State Highway No. 52, and (b) the highway which runs south from Bennett to Kiowa (in Elbert County), and on the south by the east and west township line between Townships 6 and 7-South, which line lies six miles, more or less, south of the north line of Elbert County, and from and to points therein (except points on U. S. Highway No. 40), to and from Denver and points on U. S. Highway No. 40, Bennett to Denver; coal from Denver to Strasburg; cement and plaster from Boettcher and LaPorte to Bennett and Strasburg; used farm machinery and equipment and used household goods, when moving a farmer, from and to points in the State of Colorado, to and from points in the aforedescribed territory.

The matter was heard, pursuant to prior setting, at Denver, Colorado, on June 7, 1945, and taken under advisement.

At the hearing, it appeared that the consideration for the transfer of said operating right and two trucks is the sum of Three Thousand Dollars ($3,000.00); that transferee, pecuniarily and otherwise, is qualified to carry on the operation; that transferor, on account of illness, is unable to continue personal direction of said operation; that there are no outstanding unpaid accounts; that ton-mile tax deposit is to be transferred to the account of transferee.

After careful consideration of the record, the Commission is of the opinion, and finds, that the proposed transfer is in the public interest, and that the transfer by transferor of the operating rights heretofore described, being PUC No. 1564, should be authorized.

O R D E R

IT IS ORDERED:

That Thomas Haugen, Strasburg, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1564 to Ronald P. Rogers, doing business as "Rogers Truck Line," Strasburg, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of the Commission.

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

That ton-mile tax deposit be transferred to account of transferee.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of July, 1945.

mw

(Decision No.22767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. F. WOODARD, 3724 WILLIAMS STREET,)
DENVER, COLORADO, FOR REINSTATEMENT) APPLICATION NO. 5693-PP-B
OF PERMIT NO. B-2639, AND FOR EXTEN-)
SION THEREOF.)

July 25, 1945

S T A T E M E N T

By the Commission:

By Decision No. 17467, of date August 14, 1941, C. F. Woodard, Denver, Colorado, was authorized to operate as a private carrier by motor vehicle for hire for the transportation of:

> sand, gravel, and other materials used in making up the surface of the road, from pits and supply points within a radius of fifty miles of Denver to points in said area, without the right to serve in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

On January 28, 1943, by Decision No. 20293, said permittee was authorized to suspend his operations under said permit (Permit No. B-2639) for the duration and six months from December 8, 1942.

Said C. F. Woodard now asks that his Permit No. B-2639 be reinstated, and that his authority thereunder be extended to include the right to transport sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that Permit No. B-2639 should be reinstated, and that the extension thereof sought should be granted.

O R D E R

IT IS ORDERED:

That Permit No. B-2639 should be, and the same hereby is, reinstated.

That C. F. Woodard, Denver, Colorado, should be, and he hereby his, authorized to extend his operations under Permit No. B-2639 to include the right to transport sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of July, 1945.

mw

(Decision No. 24768)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EDW. SELANDER, 2309 SOUTH FEDERAL BOULEVARD, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7019-PP

July 25, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties, and also excluding service within a radius of fifty miles of Denver, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Edw. Selander, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply

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

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of July, 1945.

mw

(Decision No. 24769)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ABENICIO CASTELLANO, 1548 CLAY STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7018-PP

July 25, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points, in the State of Colorado, to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Abenicio Castellano, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and

supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of July, 1945.

mw

(Decision No. 24770)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. W. BONDURANT, OF 516)
GREENWOOD, CANON CITY, COLORADO.) PERMIT NO. C-390
)
)
)

July 25, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H.W. Bondurant of Canon City, Colorado, requesting that his Permit No. C-390 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-390, heretofore issued to H. W. Bondurant, be, and the same is hereby, declared cancelled effective July 20, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Ericsson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1945

R

(Decision No. 24771)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CALIFORNIA GULCH MINING &)
MILLING COMPANY, OF P O BOX)
939, LEADVILLE, COLORADO.)
)

PERMIT NO. C-14120

July 25, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the California Gulch Mining & Milling Company of Leadville, Colorado, requesting that his Permit No. C-14120 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14120, heretofore issued to the California Gulch Mining and Milling Company, be, and the same is hereby, declared cancelled effective June 18, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 25th day of July, 19 45

(Decision No. 24672)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. H. GATES, OF 705 FAIRVIEW,)
CANON CITY, COLORADO.)
)
)
)

PERMIT NO. C-14697

July 25, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. H. Gates of Canon City, Colorado, requesting that his Permit No. C-14697 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14697, heretofore issued to A. H. Gates, be, and the same is hereby, declared cancelled effective July 20, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1945

R

(Decision No. 24773)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL SHARP, OF ROUTE 3, Box)
260, FORT COLLINS, COLORADO.) PERMIT NO. B-3074
)
)
)

July 25, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl Sharp of Fort Collins, Colorado, requesting that his Permit No. B-3074 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-3074, heretofore issued to Carl Sharp, be, and the same is hereby, declared cancelled effective May 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 19 45

R

(Decision No. 24774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES E. CURTIS, 3770 WEST KENTUCKY, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7017-PP

July 25, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver and points within a radius of twenty-five miles of Denver, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Charles E. Curtis, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius

of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver and points within a radius of twenty-five miles of Denver, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ J. D. Thomas

/s/ Eugene Emison

/s/ Ralph L. Carlson

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1945.

BH

(Decision No. 24775)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF)
LILBURN MARVEL, 2255 INGALLS, EDGE-)
WATER, COLORADO, FOR A CLASS "B") APPLICATION NO. 7016-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

- - - - - - - - - - - - - - - - - - - -

- - - - - - -
July 25, 1945.
- - - - - - -

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the state of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Lilburn Marvel, Edgewater, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding

service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1945.

BH

(Decision No. 24776)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF DELBERT SCOTT, 1827 SOUTH ACOMA STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7015-PP

July 25, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from point to point within a radius of fifty miles of Denver, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Delbert Scott, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder,

Clear Creek, and Gilpin Counties; coal from point to point within a radius of fifty miles of Denver, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1945.

BH

(Decision No. 24777)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALPHEUS A. SANDERS, ADENA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6996-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

July 24, 1945

Appearances: Alpheus A. Sanders, Adena, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for David Small, Byers-Denver Truck Line;
George Henry, Esq., Denver, Colorado, for Air Line Express.

S T A T E M E N T

By the Commission:

When notified that the above-styled matter was set for hearing, applicant informed the Commission:

> "Am not able to attend the meeting, as I'm reporting for induction in the Army."

Protestants at hearing moved that application be dismissed.

The matter was taken under advisement.

Since hearing, applicant has informed the Commission that he was not inducted, and asked that his application be amended to exclude request to haul livestock, and be set for hearing;

In view of statement of applicant, the Commission is of the opinion, and finds, that said application should not be dismissed; that it be amended, as requested, and that it be set for hearing.

O R D E R

IT IS ORDERED:

That motion to dismiss the above-styled application be, and the same hereby is, denied.

That amendment requested is allowed.

That application be, and it hereby is, set for hearing, as amended, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on August 6, 1945, at 10:00 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of July, 1945.

mw

(Decision No. 24778)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN FISHER, ROUTE 1, LONGMONT, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7030-PP

July 28, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber and sawmill products from forests and sawmills within a radius of thirty-five miles of Walden, to Walden, Colorado.

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

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

O R D E R

IT IS ORDERED:

That John Fisher, Longmont, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber and sawmill products from forests and sawmills within a radius of thirty-five miles of Walden, to Walden, Colorado.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1945.

mw

(Decision No. 24779)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLINTON E. CHARLTON, GOULD, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 7029-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

July 28, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of wood, lumber , and timber, from Gould, Colorado, to Walden, Colorado, via Colorado Highway No. 14.

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

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

O R D E R

IT IS ORDERED:

That Clinton E. Charlton, Gould, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of wood, lumber, and timber, from Gould, Colorado, to Walden, Colorado, via Colorado Highway No. 14.

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

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1945.

mw

(Decision No. 24780)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL RIDNOUR, GOULD, COLORADO, FOR)
A CLASS "A" PERMIT TO OPERATE AS A) APPLICATION NO. 6707-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

July 28, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ties and lumber from Gould, Colorado, to Walden, Colorado, over Colorado Highway No. 14.

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

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

O R D E R

IT IS ORDERED:

That Paul Ridnour, Gould, Colorado, be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ties and lumber from Gould, Colorado, to Walden, Cdorado, over Colorado Highway No. 14.

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

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1945.

mw

(Decision No. 24781)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
H. V. ROTHERY, 1330 WEBFORD AVENUE,)
DES PLAINES, ILLINOIS, FOR AUTHORITY)
TO TRANSFER INTERSTATE OPERATING) PUC NO. 1445-I
RIGHTS TO HALVOR C. EVANS, LESSEE)
AND OPERATOR OF ROTHERY STORAGE &)
VAN COMPANY, 1330 WEBFORD AVENUE,)
DES PLAINES, ILLINOIS.)

July 25, 1945.

S T A T E M E N T

By the Commission:

Heretofore, H. V. Rothery, Des Plaines, Illinois, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 1445-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Halvor C. Evans, Lessee and operator of Rothery Storage & Van Company, Des Plaines, Illinois.

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

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

O R D E R

IT IS ORDERED:

That H. V. Rothery, Des Plaines, Illinois, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1445-I to Halvor C. Evans, Lessee and Operator of Rothery Storage & Van Company, Des Plaines, Illinois, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1945.

BH

Original

(Decision No. 24782)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF CLYDE WILLIAMS AND VERNON WILLIAMS, SALIDA, COLORADO, FOR AN EXTENSION OF PERMIT NO. A-2589 TO INCLUDE THE TRANSPORTATION OF PRESENTLY AUTHORIZED COMMODITIES BETWEEN POINTS WITHIN A FIFTY-MILE RADIUS OF SALIDA, COLORADO.	APPLICATION NO. 5294-PP-BBB-B
IN THE MATTER OF THE APPLICATION OF CLYDE AND VERNON WILLIAMS, SALIDA, COLORADO, TO TRANSFER PERMIT B-2589 TO CLYDE WILLIAMS, SALIDA, COLORADO.	APPLICATION NO. 5294-PP-BBBB-A

July 25, 1945.

Appearances: Clyde Williams, Salida, Colorado, for applicants;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Denver, and H. D. Flowers, Buena Vista, Colorado, for Eveready Freight Service;
John M. Boyle, Esq., Salida, Colorado, for Fairplay Motor Company.

S T A T E M E N T

By the Commission:

The above applications were set for hearing at Salida, Colorado, on May 23, 1945, and at the hearing, the two matters were consolidated for hearing.

Clyde Miller, one of the applicants, testified in his own behalf and stated that transfer of the permit was no longer desired, and asked that the Application be dismissed.

In support of application for an extension of Permit No. B-2589, he stated that he was trying to get some contracts from mines in the area to haul ore concentrates, calcium, and mine supplies, within a ten-mile radius of Salida, Colorado. He further stated that he was not sure whether he would need the authority or not; that he had no definite contracts, but if any business developed in the territory, he wished to be in position to bid for same.

There was no showing that the present authorized service is not adequate to serve the needs of the area, or that public convenience and necessity

required the proposed service. There are authorized carriers in the area at present who desire, and are soliciting, this type of business, and due to present ODT regulations and the further fact that no definite need was established for the service sought, and after a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be denied.

O R D E R

IT IS ORDERED:

That Application No. 5294-PP-BBB-B should be, and same hereby is, denied.

That Application No. 5294-PP-BBBB-A should be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of July, 1945.

BH

Decision No. 24783

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

S. J. Hampton	2116 Cadiz St, Dallas, Texas.
J. T. Hancock	Star Rt 1, Antonito, Colo.
B. B. Hansen	Thomas, Okla.
Laurence Harbaugh,	Russell, Kansas.
Geo. Harbough, Jr.	458 E 6th St. Russell, Kans.
Winifred Hardwick,	Lamont, Oklahoma.
Hargrave Bros.	40 N. Trenton, Tulsa, Okla.
Laurel Harmon	Rt. 1, Cortez, Colo.
Harmon Produce	617 S. Harwood, Dallas, Texas.
Wilbur Harmon	Ashland, Texas.
Henry Laverne Harrington	Rt. 2, Box 188, Montrose, Colo
George Harris	Iola, Kansas.

Y. L. Harrison	Rt. 3, Box 94, Ft. Collins, Colo.
Roy Harry	315 Spring, Sulphur Springs, Texas.
Henry Hart	Trenton Market, Tulsa, Okla.
Ralph Hart	Boise City, Okla.
Arthur Hauser	Omega, Okla.
A. H. Hawkins,	Dallas, Texas.
Robt R. Hawley	Casper, Wyo.
Paul Hayes	Oklahoma City, Okla.
W. R. Haynes	Dalhart, Texas.
David W. Heilman	Bala, Kansas.
H. H. Heiskell	Dalhart, Texas.
Albert Helms	Monmouth, Ill.
Harlan Henderson	Kearney, Nebr.
Guy Hendricks	Hot Springs, So. Dakota.
William Albert Henry	Rt. 2, Calhan, Colo.
Stanley Herrington	515 S. Preston, Dallas, Texas.
Roy Herry	Sulphur Springs, Texas.
Hershey Produce	Wichita, Kansas.
R. M. Heskett	Studley, Kansas.
Dan Hessler	Hudson, Colo.
John A. Heuschkel	1128 Cooper Ave. Glenwood Springs, Colo.
Leonard Hill	319 S. Ellison, Okla City, Okla.
Hoffman Lumber & Hardware	Farley, New Mex.
L. R. Hollingsworth	136 S. Tuttle St. Okla City, Okla.
M. L. Hollis	Texhoma, Okla.
Messers Jake & John Holzmeister	Rt. 1, Montrose, Colo.
F. C. Hooten	Springfield, Colo.
B. C. Hoover	Tuttle, Okla.
Julius Hornberger	Lawrence, Kans.
V. B. Hubbard	Gen Del. Wheeler, Texas.
Hueske Bros.	Otis, Colo.
Clyde Huffman,	Burdett, Kans.
R. R. Huffman	Sharon, Okla.
C. R. Hughes	Spearman, Texas.
H. H. Hughes	Odessa, Texas.
J. C. Hunt	610-4th St. Amarillo, Texas.
E. O. Hutchinson	York, Nebr.
Wayne Hutton	Watonga, Okla.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
Commissioners

Attest:

Secretary

Dated at Denver, Colorado, this 28th
day of July, 1945.

Decision No. 24784

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

C. P. Imes	Albion, Nebr.
Independent Pipe & Machine Co	Phoenix, Ariz.
F. T. Jamison	701 E. Maple, Enid, Okla.
Wayne Jennings	Rich Hill, Mo.
Loren Jewell	Rifle, Colo.
Johnson Chevrolet Co	Bird City, Kansas.
Pete Johnson	810 N. 2nd, Raton, New Mex.
Hugh Johnston	Osceola, Nebr.
Charley Jones	Box 716, Bovina, Texas.
Ivan Jones	Lenora, Kans.
Joe Jones	Lusk, Wyoming.
N. C. Jones	Custer City, Okla.
Jordan Trucking Co.	Lamesa, Texas.
Edwin P. Joyce	Dallas, Texas.

Daniel Keldsen	Curtis, Nebr.
E. W. Keller	Boulder, Colo.
Clarence Kiesoert	Guthrie, Okla.
Keith Kile	1909 W. Cucharras, Colo.Springs, Colo.
A. N. King	Albuquerque, New Mexico.
Kingsbury, B.	1925 Westminister, Salt Lake City, Utah.
Earl Kirchnavy	Sterling, Colo.
Virgil Kochen	Greensburg, Kans.
G. H. Koehn	Greensburg, Kans.
Charles T. Kopetka	Clearwater, Nebr.
H. S. Kuykendall,	Tres Piedras, N. Mex.
H. P. Laird	Pittsburg, Texas.
Clarence Lamie	Gen Del. O'Keene, Okla.
John Lampe	Kendall, Kans.
Henry Lanckriet	Julesburg, Colo.
A. R. Land	Raymondville, Tex.
J. Tom Lane	Gen. Del. Pittsburg, Tex.
W. J. Lautenschlager	Carleton, Nebr.
Herbert Lee	Springdale, Ark.
Philip Leinweber	2139 Welton St. Denver, 5, Colo
A. Lema	Rt. 1, Dolores, Colo.
Carroll Leonard,	Loomis, Nebr.
S. C. Lewis	Snyder, Texas.
Virgil H. Lewis	Quinlan, Okla.
Liberty Glass Co.	700 North Mission, Sapulpa, Okla.
J. D. Lineback	Viborg, South Dakota.
Gus Link	Casper, Wyo.
Forest Lohden	Box 6, Dale, Okla.
Malcolm Lovato	Box 231, Saguache, Colo.
Harry L. Love	230 E. Church, Galion, Ohio.
Harold Lover	Sublette, Kans.
Otto Lueders	Deshler, Nebr.
Jack Lumley	1614 S. Fitzhugh, Dallas, Tex.
C. H. Luther	Kearney, Nebr.
L. L. Lynch	Box 22, Sudan, Texas.
Carl Lysset	Eustis, Nebr.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Attest:

Secretary

Dated at Denver, Colorado, this 28th
day of July, 1945.

Decision No. 24785

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Nick Macaron	100 N. 1st, Raton, New Mex.
Elmer Madsen, dba, Madsen Iron Yard	Anthony, Kansas.
Manuel Magallanez	Ft. Morgan, Colo.
Walter Magertleisch	Arriba, Colo.
Lawrence T. Mahlberg	Kit Carson, Colo.
Main Street Wrecking Co.	Longview, Texas.
C. K. Marcusson	Red Oak, Iowa.
Orren Mariette	Ionia, Kans.
Markman Produce Co.	Des Moines, Ia.
Marksheffel Motor Co	22 N. Cascade Ave. Colo. Springs, Colo.
R. A. Marlow	Pawnee, Okla.
Herbert Marquedt	Venango, Nebr.
Clifford Martin	322 S W 10th, Okla City, Okla.
F. J. Martin	Henderson, Nebr.

Howard Martin	Milner, Colo.
Ray Martin	Seminole, Okla.
T. J. Martin	Rifle, Colo.
C. A. Masters,	Stover, Mo.
G. P. Mattingly	224 Clark, Clay Center, Kans.
Jess W. Maulding	Hutchinson, Kans.
Maurer & Hunden Lumber Mill	Box 482, Gunnison, Colo.
Earl Mayers	Las Animas, Colo.
Dewey McBride	Oberlin, Kans.
Albert McCalla	Eckley, Colo.
S. S. McColgin	Reydon, Okla.
Ed. McConnell	Shawnee, Okla.
Fay McConnell	Loveland, Colo.
J. R. McCook	Box 525, Lubbock, Texas.
W. J. McCrea	755 Broadway, Denver, 3, Colo.
B. C. McCue	Rt 1, Lakin, Texas.
A. C. McCumber	Thermopolis, Wyo.
P. McKenzie	Springer, New Mex.
Albert McMichael	Copeland, Kans
Joe McMichael	Copeland, Kansas.
McMullen Motor Co.	Alamosa, Colo.
Clifford D. Means	Rt. 1, Carmen, Okla.
A. W. Means	Bentley, Kans.
Everett C. Mendenhall	New Castle, Wyo.
Rafael Mendez	San Antonio, Texas.
Wm. Merrill	Onida, So. Dakota.
T. R. Messick	217 W. Olive, Ft. Collins, Colo.
David Middaugh	Ames, Nebr.
Fred Miles	Holyoke, Colo.
Harold Millard	Ottumwa, Iowa.
Clyde Miller	Bixby, Okla.
Jess Miller & A. Breeden	Natoma, Kans.
Julius Miller	Wheatland, Wyo.
J. W. Minnick	Laramie, Wyo.
John Mitchell	Lexington, Nebr.
W. D. Moad	1400 S. Main, Fremont, Nebr.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Attest:

Secretary

Dated at Denver, Colorado, this 28th
day of July, 1945.

Decision No. 24786

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Joseph Montalbano	1216 W.Pierce, Houston, 6, Texas.
E. Moots	Great Bend, Kans.
V. R. Morphew	Little Rock, Ark.
Morris Fisheries	733 W. Fulton, Chicago, Ill.
Lloyd, Alta & Kenneth Morrison dba Lloyd Morrison	Gypsum, Kansas
Morrow Motors	Flagstaff, Ariz.
C. O. Motsenbocker	Hoxie, Kans.
Guy Munson	Gunnison, Colo.
Murphy-Mahoney	2986 N. Speer Blvd. Denver,11,Colo.
Fred Murray	Arcadia, Nebr.
Clarence Nace	1200 E. 8th St. Cheyenne, Wyo.
National Tank Co. Inc.	3100 Sand Spring Rd. Tulsa, Okla.
Naylor Auto Co	Provo, Utah.
A. R. Neff	Guymon, Okla.

Ivy Nelson	12 Maple St. Clayton, New Mex.
New Way Harvesting System Co.	Phoenix, Arizona.
Paul Newberry	909 S. Main, Floydada, Texas.
C. M. Nix	Liberal, Kans.
Nixon Packing Co.	Nixon, Texas.
Noffinger Bros.	Crystal Springs, Kans.
J. Z. Norris, Jr.	2117 Cadiz St. Dallas, Texas.
O. M. Northcott,	Lamesa, Texas.
O. N. Northcutt	Lamesa, Texas.
Frank Novy	Western, Nebr.
D. F. Oberhelman	Napoleon, Mo.
Anton Ochs	Park, Kansas.
Virgil Ockinga	Scottsbluff, Nebr.
D. F. Okeson	531 Webber St. Clay Center, Kans.
Elmer O'Neill	Logan, Iowa.
The Osborne County Farmers Union Coop Assn	Osborne, Kansas.
Herbert N. Osborne	3rd & Collyer, Longmont, Colo.
S. S. Owen	2109 Cadiz, Dallas, Texas.
Victor Owens	Ft. Lupton, Colo.
Julio E. Palomo	E.Champion St. Edinburg, Tex
Parkerburg Rig & Reel	Coffeyville, Kans.
G. L. Parks	Wichita Falls, Tex.
W. M. Parrish	5103 Belmont, Dallas, Texas.
J. A. Patterson	Floydada, Texas.
Andy Payne	Gering, Nebr.
Tom Payne	Rt. 1, Minatare, Nebr.
H. G. Pearson	Gen Del. Buffalo, Okla.
D. D. Penty	Dallas, Texas.
W. A. Penwright	Rt. 2, Calumet, Okla.
O. M. Perkins	Memphis, Texas.
Perper Bros. Produce	913 W.Randolph St. Chicago, Ill.
Sam Petro	611 Prairie, Houston, Tex.
I. R. Phillipi	Casper, Wyo.
Omer Pierce	Bartlett, Iowa.
W. F. Pierce	Post, Texas.
H. G. Pierson	Buffalo, Okla.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Attest:

Secretary

Dated at Denver, Colorado, this 28th day of July, 1945.

Decision No. 24787

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

W. D. Pike	Bullard, Texas.
Plains Motor Co.	301 N. 3rd, Sterling, Colo
Fred W. Pohl,	Fathena, Kans.
J. C. Pointer	Roperville, Texas.
Florean Poss,	Hugo, Colo.
Claude H. Potts	Oshkosh, Nebr.
Verne Powell	Friend, Nebr.
L. J. Pracht	750 Faulkner Ave. Wichita, Kans.
Wayne Putnam	Benkelman, Nebr
O. J. Rago, dba, Rago Produce Co.	634 Gomez Rd. Santa Fe. New Mex.
Ralph Used Cars	Boise, Idaho.
Quentin J. Ramold,	Stuart, Nebr.
Raymond Ransal	Box 1216, Fathena, Kans.

David Ratledge	Greenfield, Okla.
H. E. Ratzlaff	Gray, Okla.
John C. Rayburn	Rt. 4, Box 340, Okla City, Okla.
Harry Reab	Giltner, Nebr.
Wm. C. Reagan	Villegreen, Colo.
Isaac V. Record	Deora, Colo.
L. L. Redinger	Agra, Kans.
Redwine & Rucker	Clovis, New Mexico.
J. E. Reeves	Vinson, Okla.
J. J. Reimer	Liberal, Kans.
R. R. Reimuth	Gurley, Nebr.
N. T. Renfro	Littlefield, Texas.
R. L. Renfrow	Box 232, Littlefield, Texas.
Ridge Bros	Magdalena, New Mex.
Fred Riker	Columbus, Kans.
Warren W. Riley	Rt. 3, Garnett, Kans.
Rio Grande Fruit	Borger, Texas .
E. L. Robertson	San Antonio, Texas.
Robertson Motor Co.	Olathe, Colo.
Judson Robinson,	Gen Del. Oklahoma City, Okla.
C. T. Robirds	Sidney, Nebr.
Rocky Mt Truck & Equipment Co	128 Motor Ave. Salt Lake City, Utah.
Rocky Mountain Trucking Co	Salt Lake City, Utah.
John Rodden	624 S E 28th St. Okla Home City, Okla.
C. C. Rogers	522 Vane St. Ft. Collins, Colo.
Jack Romans	Ord, Nebr.
Jack Romans	Loup City, Nebr.
Pete Rosales	Torrington, Wyoming.
E. J. Rose	Box 15, Terrell Wells, Texas.
V. E. Rosa	Glenrock, Wyo.
Rosedale Dairy	Box 517, Laramie, Wyo.
E. Roth	Ault, Colo.
Wesley Rowan	Flagler, Colo.
Rowley Lumber Co.	Blanding, Utah
Ralph Rudd	Rt. 2, Enid, Okla.
G. H. Russmann	Holly, Colo.
John Sahling	Kenesaw, Nebr.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Attest:

Secretary

Dated at Denver, Colorado, this 28th day of July, 1945.

Decision No. 24788

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Robt. Sandau	Rt 1 Box 128 C, Kersey, Colo.
Roy Sanks	Sidney, Nebr.
George Sandquist	Corning, Ia.
Martin R. Saum	Edgar, Nebr.
James J. Saunders	Gladstone, New Mex.
A. W. Savely	P O Box 203, Greensburg, Kans.
Ray Scheer	Arlington, Nebr.
Oscar Schlaman	Lodgepole, Nebr.
Andrew Schmidt	Thomas, Okla.
Raymond L. Schmidt	Syracuse, Kans.
Henry Schoening	Belgrade, Nebr.
M. F. Scholting	Springfield, Nebr.
Clifford Schrair	Vermillion, Kans.
Russell Schrock	Aurora, Nebr.

Theo Schroetlin	Sutton, Nebr.
Wm Schultz	Haddam, Kans.
John Schuman	Grand Valley, Colo.
W. M. Scott	Greenleaf, Kans.
Vincent Scudiero	Granada, Colo.
C. J. Seal	Colby, Kans.
Seedig & Murry	Taos, New Mex.
Ed. Seivers	1515-13th, Scottsbluff, Nebr.
Serr Bros.	Grafton, Nebr.
Lloyd Seybold	Trenton, Nebr.
Fred Sforza	Rawlins, Wyo.
Geo. W. Shada	Kearney, Nebr.
H. L. Shaner	4114 Adams St. Denver, 16, Colo.
Horace Sharp	Phoenix, Ariz.
Violet Shelburn	Fairbury, Nebr.
Cecil O. Shields	109 Jones St. Ft. Worth, Texas.
Allen Shively	Sutherland, Nebr.
Homer Shores	Eva, Okla.
Jess Shouse	Box 121, Nowata, Okla.
T. W. Siebert	Ulyssos, Kans.
T. A. Silver	Palisade, Nebr.
A. M. Simeon	1317 Cherry, Goodland, Kans.
Orlo L. Simmons	Parnell, Mo.
W. E. Simon	Stella, Mo.
O. T. Sims	Rt. 2, Wamego, Kans.
Kenneth W. Skipworth	Rt. 1, Holyoke, Colo.
Skyway Transportation Co.	1495 - 23rd St. Denver, 2, Colo.
Kenneth R. Smith	Kingfisher, Okla.
Lester E. Smith	Sterling, Colo.
R. D. Smith	Canton, Okla.
Ralph L. Smith	Byron, Okla.
Robt D. Smith	Canton, Okla.
Thomas E. Smith	Earlville, Ill.
Dan Spaljarich	Box 523, Oak Creek, Colo.
Harry Spayd	Hudson, Colo.
D. E. Spencer	Arthur, Nebr.

before this Commission to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Attest:

Secretary

Dated at Denver, Colorado, this 28th
day of July, 1945.

Decision No. 24789

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

J. T. Springer	Kingfisher, Okla.
Everett Squires	Lenora, Okla.
W. A. Stafford	Bryson, Texas.
W. A. & L. Stafford	Bryson, Tex.
Henry Stahla	Kimball, Nebr.
Standard Dairy	Las Vegas, New Mex.
C. W. Stanley	Big Springs, Nebr.
H. M. Stanley	505 S. Pearl, Dallas, Tex.
Stanley & Harrington	515 S. Preston, Dallas, Tex.
J. F. Stanley	Dallas, Texas.
Star Lumber Co.	Liberal, Kans
Geo. Steckline	Hay, Kans.
R. P. Steele, dba, Steele Second Hand Store	221 W. 7th St. Walsenburg, Colo.
E. R. Stevenson	Colo. Springs, Colo.

H. H. Stevenson	819 Roosevelt St. Borger, Tex.
M. O. Stewart	Lincoln, Nebr.
Virgil Stewart	Manter, Kans.
Don Smith	Garnett, Kans.
Preston Stockard	Richmond, Kansas.
J. B. Stone	319 S. Ellison, Okla City, Okla.
Harold Strode	733 Desmsy St. Tahoo, Nebr.
J. R. Stubblefield	Dawson, Tex.
Cliff Stubbs	Provo, Utah.
Jack H. Stuckey	Lexington, Nebr.
Leo L. Studer	Wathena, Kans.
Wm Stull	Kinsley, Kans.
Pickard Stults	1454 E. Magnolia St., Ft. Worth, Tex.
J. E. Sulgrove	Paonia, Colo.
L. F. Sutton	Colo. Springs, Colo.
Gothert Swanson, dba, Swanson Chev Co	Box 87, Byers, Colo.
Geo. Swarts	Platteville, Colo.
J. R. Swartz	Sublette, Kans.
Lawrence Swindle	Gen Del. Altus, Okla.
Russell Tasker	Minneapolis, Kans.
Taylor & Frue	Clovis, New Mex.
Ted Thacker	Braymer, Mo.
Chas Theis	802 E. 30th, Kearney, Nebr.
L. P. Thomas	Brule, Nebr.
C. W. Thrall	Protection, Kans.
Earl R. Tinkle	Clovis, New Mex.
Wes Tipton	Laverne, Okla.
John Tobits	Wheatland, Wyo.
E. C. Tool & Son	Elmcreek, Nebr.
E. Torres	502 E. Loeb, Edinburg, Tex.
J. E. Townsend	Clovis, New Mex.
H. F. Trampe	Pleasanton, Nebr.
Frank Traywick	535 Main, Yukon, Okla.
Romeo Trevino,	San Juan, Tex.
Art Trim	Woodrow, Colo.
Felix A. Trujillo	222 East St. Trinidad, Colo.
Raymond Tyler	Anton, Tex.
E. D. Ditto	1502 S. 34th St. St. Joseph, Mo.

before this Commission to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

By

Attest:

Secretary

Dated at Denver, Colorado this 28th
day of July, 1945.

Decision No. 24790

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

R. P. Tyron	Cedaredge, Colo.
United Produce Co	El Monte Hotel, Monte Vista, Colo.
Paul D. Unruh	Greensburg, Kans.
Dale VanEgmond	Rt. 2, Las Animas, Colo.
A. C. Volk	710 Russell, Cheyenne, Wyo.
Wm Wagner	Rt. 2, Platteville, Colo.
Bill Wahl	Isabella, Okla.
A. T. Walker	2119 Cadiz, Dallas, Tex.
O. E. Wamsley	600 S. Madison, Wichita, Kans.
A. L. Wands	Stone City, Colo.
Fay Ward	Rt. 2, Fredonia, Kans.
T. V. Ward	Box 603, Memphis, Tex.
H. F. Watkins	3123 South St. Dallas, Tex.
Harry Weber	O'Keene, Okla.

Henry Weber	O'Keene, Okla.
Henry H. Weber	Box 444, Milliken, Colo.
A. A. Weiss	Gehring, Nebr.
Ralph S. Wells	Eva, Okla.
John Welty	Arcadia, Nebr.
P. C. Westbrook	Great Bend, Kans.
Western Motor Co	Leoti, Kans.
J. H. Whaley	3626 Main St. Kansas City, Mo.
U. W. Wheeler	Littlefield, Texas.
L. A. White	Republican City, Nebr.
White Motor Truck Co	Casper, Wyo.
Wayne White	Alva, Okla.
D. D. Wickliff	Newton, Ia.
Joe A. Wiesner	Ellis, Kans.
Carl Wilhelm	Scottsbluff, Nebr.
Thos N. Wilkin	1107 E. Elm St. Breckenridge, Tex.
T. N. Wilkins	Breckenridge, Tex.
B. O. Willey	Glen Rose, Texas.
Harry Williams	Hugoton, Kans.
M. D. Williams	Wichita, Kans.
LeRoy Wilson	Mondamin, Ia.
Lyle L. Wiltse	Austin, Colo.
W. O. Wimber	Perryton, Tex.
Alvin Wineland	Rt. 3, Greeley, Colo.
Nettie Winkel	260 E 2nd, Richfield, Utah.
G. Winkle	Ritchfield, Utah.
Floyd H. Wolfe	Granite, Colo.
Raymond Wombacher	Rt. 2, Lawrence, Nebr.
Jarvis Woodson	Laramie, Wyo.
B. Z. Woodward	Felt, Okla.
E. Wooley	Fallett, Tex.
Worm Brothers	Ord, Nebr.
Ted Wright	Graham, Mo.
Otto Wurtele	15 Central Ave. Nebraska City, Nebr.
C. Yardley	South Rt. Garden City, Kans.
N. A. Yearous	Yorktown, Ia.
Howard Young	Canon City, Colo.
Maurice Young	Lexington, Nebr.
Eagle Flour Mills	LeMars, Ia.

before this Commission to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

By

Commissioners

Attest:

Secretary

Dated at Denver, Colorado, this 28th
day of July, 1945.

Decision No. 24791

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

July 28, 1945.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure in the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

H. M. Atkin	Fall River, Nebr.
R. J. Bally	Garden, Ill.
Carter & Francis	Abilene, Tex.
Orville C. Casteel	Star Rt. Bellvue, Colo.
C. E. Crosslin	Deer Creek, Colo.
W. P. Davis	Ashland, Kans.
M. B. Dickson	Atlanta, Ga.
Ross English	Rt. 2, Greeley, Colo.
Leonard Hall	Ft. Worth, Texas.
W. R. Hawkins	415 Pierce, Amarillo, Texas.

Lee Hitzer	Burlington, Colo.
W. C. Jackson	Mountain Grove, Mo.
W. Kirk	7214 Clinton Drive, Houston, Tex.
E. Limbaugh	6807 Georgia Rd. Birmingham, Ala
C. H. Luther	1708-8th Ave. Scottsbluff, Nebr.
Ed McCall	717 N. Enid St. Shawnee, Okla.
G. E. Mitchell	Lubbock, Texas.
Martha Petersen	Loopville, Nebr.
Jack Saylor	Lubbock, Tex.
Singer Produce	Tulsa, Okla.
Jas. Sistrunk	7672 Gaston, Dallas, Tex.
Joe Stevart	Lubbock, Tex.
Virgil Villiams	2334 N W 3rd, Okla City, Okla.
H. H. Winters	Hotchkiss, Okla.

before this Commission to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 7th day of August, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Attest:

Secretary

Dated at Denver, Colorado, this 28th
day of July, 1945.

(Decision No. 24792)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF THE INTERMOUNTAIN ELEVATOR COMPANY, DENVER, COLORADO, FOR THE REOPENING OF THE CROSSING AT THE RICKELS ROAD OVER THE UNION PACIFIC RAILROAD TRACK BETWEEN SAND CREEK AND ADAMS CITY.	APPLICATION NO. 7001

July 31, 1945.

Appearances: Albert J. Gould, Esq., Security Building, Denver, Colorado, for applicant;
A. F. Hewitt, State Highway Engineer, State Office Building, Denver 2, Colorado, for Colorado Highway Department;
E. B. Evans, Esq., Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

STATEMENT

By the Commission:

On June 8, 1945, the Intermountain Elevator Company made application to this Commission to enter an order reopening the grade crossing over the tracks of the Union Pacific Railroad Company at the point where the former Rickels Road crossed said Union Pacific tracks on the section line between Sections 6 and 7, Township 3 South, Range 67 West, in Adams County, Colorado.

Notices of this application and of the hearing thereon were sent to Omar, Inc., the Colorado State Highway Department, Union Pacific Railroad Company, and Chicago, Burlington & Quincy Railroad Company. Omar, Inc., by letter dated June 11, 1945, joined in this application. The matter was heard by the Commission on July 20, 1945.

At the hearing, the files and record in Application No. 5268 were made part of the record in this case. It appears from the files in that application that, for a long period of time prior to December 19, 1939, the Union

Pacific Railroad Company and the Chicago, Burlington & Quincy Railroad Company maintained grade crossings of their main lines entering Denver at the intersections thereof with a State highway known as "Rickels Road", which ran east and west along said section line between said Sections 6 and 7. Said grade crossings were protected by automatic electric signals. Prior to that time, the Intermountain Elevator Company had constructed its plant adjacent to and west of the Burlington tracks, east of the Union Pacific tracks, and south of Rickels Road; and Omar, Inc., had constructed its plant adjacent to and east of the Union Pacific tracks, west of the Burlington tracks, and north of Rickels Road. Access to said plants was available from both the west and the east by means of said Rickels Road and the crossings thereof over the Union Pacific and Burlington tracks.

On December 19, 1939, the Colorado State Highway Department filed its application with this Commission for an order requiring the abolishing of said grade crossings of said Rickels Road over the tracks of the Union Pacific and the Burlington railroads, which abolition was to become effective upon the completion by the State Highway Department of a "Clover Leaf" system of "under and over passes" immediately east and north of the intersection of said Rickels Road with the Burlington tracks. Extensive hearings were held on that application. All parties interested, including the applicant and Omar, Inc., were given notice of such hearing, and many interested parties, as well as representatives of the State Highway Department, of the two railroads, of applicant, and of Omar, Inc., offered evidence relating thereto.

At those hearings, it was the contention of the applicant, as well as of Omar, Inc., that the abolition of the two grade crossings would create considerable inconvenience as well as cause them to lose business.

After considering all the evidence offered at such hearings, this Commission, on March 6, 1940, entered its Decision No. 14998, in which it found that the grade crossings of the Rickel Road over the tracks of the Burlington and Union Pacific Railroads were hazardous and should be

abandoned and closed upon the completion of the Clover Leaf system east of the Burlington tracks. In its findings, this Commission stated that Mr. Vail, the then Chief Engineer for the State Highway Department, testified:

> "* * * that the Highway Department would not oppose opening a private crossing to serve the mills across railroad tracks, the private road leading thereto to enter highway at some convenient point south of the new structures, should it develop, after trial, that elevators were unduly damaged by the change."

At the hearing in the present application, Mr. Oscar Malo, testifying for the applicant, stated that the plant of the applicant involves an investment of approximately $400,000 and was constructed in 1934; that, at the present time and for the past three years since the closing of said crossings, the only access to the plant of his company was over the Clover Leaf located east of the Burlington tracks, one extension of which provided access to that plant as well as to the plant of Omar, Inc.; that this application was made for the purpose of gaining access to their plants from the west over the Union Pacific tracks; that it was not their purpose or desire to have this crossing opened as a general thoroughfare but merely as a private road for the convenience of the customers of the two plants; that truckers, who conduct a business somewhat in the nature of itinerant merchants, purchase corn and other grains in western Nebraska, eastern Colorado, and other places, and then come into Colorado and stop at various places, such as Sterling, Brush, and Fort Morgan, and then Greeley in northern Colorado, looking for a market for their grain; that, if a market is not found, the truckers then proceed from Greeley through Brighton to Denver; that, in approaching Denver from the north, they see the elevators of the applicant and Omar, Inc.; that, instead of going over the Clover Leaf system, these truckers proceed down the old Brighton highway, expecting to find access to their elevators by a crossing over the railroad tracks of the Union Pacific; that, when these truckers find they can not gain access to their elevators from the west, they do not turn around and go back north and then through the Clover Leaf system but, seeing

three or four elevators to the south, proceed in a southerly direction; that, at approximately one mile south of their elevators, the Mountain States elevator is located and is visible from a point on the Brighton road opposite their elevators; from that point there also is visible the elevators of the Purina Feed Company and the Denver Feed Company; that, because of this fact, both the applicant and Omar, Inc., lose opportunities to purchase grain from these truckers; that the harvest season lasts approximately two or three months, during which time these truckers operate into Denver; that the Union Pacific Railroad Company has agreed to reconstruct the old road crossing over its tracks and reinstall automatic signals to protect the same; that if the new crossing is constructed it will cross three switch or elevator tracks and the main line of the Union Pacific; that, if authority is granted to reconstruct this crossing, a large stop sign, satisfactory to this Commission and the State Highway Department, will be erected east of the Union Pacific tracks which will inform any users of the crossing that the crossing is a private road leading to the elevators of the applicant and Omar, Inc., and that it is not a public thoroughfare; that fences will be constructed by the applicant and Omar, Inc., on the east side of the Union Pacific tracks which will connect with the sign above mentioned, thereby forcing any users who desire to go east of the Burlington tracks to go through the yards and grounds of the applicant or Omar, Inc.; that the installation of this crossing will enable the applicant and Omar, Inc., to bid for considerable corn and other grains from those truckers; tnat that he did not believe that the people living in the immediate vicinity would attempt to use this crossing as a thoroughfare.

Harold Roth, Vice President of Omar, Inc., corroborated the testimony of Mr. Malo, and further testified that the plant of Omar, Inc., located just north of the proposed crossing of the Union Pacific Railroad Company, represented an investment of over $400,000; that his company does not handle the volume of grain handled by Intermountain Elevator, but handled over one million bushels

of grain during the year; that they employ over forty persons, most of whom live west of the Union Pacific tracks; that, in order to get to work, it is necessary for those employees to make use of the Clover Leaf system; that it requires these people too long a time to get to and from work; that, practically all of the trucks of the Omar, Inc., have to travel at the present time over two miles extra on every trip to and from their elevators; that Omar, Inc., is constructing a new mixed feed plant which will be put into operation within a short time; that, for that plant, they will purchase considerably more corn than they have in the past; that truck traffic of corn and other grains will increase after the war; that trucks approaching these elevators from the north, do not make use of the Clover Leaf system but drive down the old Brighton road; that the truckers, in coming from the north, assume there is a crossing or road leading from the old Brighton road to their elevators; that, when they discover there is no such road, they proceed down south to the other elevators; that the first elevator south of their plants and which is located about a mile therefrom, has access to the old Brighton road by a crossing over the Union Pacific tracks; that the truckers use this crossing in going to and from that elevator.

Mr. A. F. Hewitt, State Highway Engineer, testified that the original proceeding was commenced as a safety measure to eliminate grade crossings; that the Highway Department opposed the reopening of the crossing over the Union Pacific tracks on account of the hazards connected with such crossings; that, he feared if this crossing were opened, the people living west of the Union Pacific tracks would make use of the crossing in going to points east of the Union Pacific and the Burlington tracks rather than going over the Clover Leaf System. He did not make any estimate of the number of people he thought would use this crossing for that purpose. Mr. Hewitt read into the record a letter from Mr. B. W. Matteson, Division Engineer of the Federal Roads Administration, wherein it was stated that the closing of the Rickels Road was part of a program for the elimination of hazards

to life and was a part of the consideration whereby Federal Aid was allocated to the project of constructing the Clover Leaf system.

The Board of County Commissioners of Adams County have indicated that they will agree to any action taken by this Commission. The Union Pacific Railroad Company also has indicated to Mr. Malo that it has no objection to the entry of an order authorizing the opening of this crossing, although it did not appear herein. The Burlington Railroad is not involved in this proceeding as there is no proposal to reopen the crossing of the Rickels Road over the Burlington tracks.

The Commission is of the opinion, and so finds, that the opening of the proposed crossing, if properly constructed and adequately protected by signs and automatic signals, will not constitute an unreasonable hazard and will be of benefit to the applicant, Omar, Inc., their employes, patrons and persons desiring to sell or deliver grain; that during the past three years, since the crossing of the Rickels Road over the Union Pacific tracks has been closed, both the applicant and Omar, Inc., have been greatly inconvenienced and have lost considerable business because many truckers do not enter their plants to sell corn and other grains brought from western Nebraska and eastern Colorado; that the forty employes of Omar, Inc., as well as employes of the applicant, are inconvenienced by having to travel excessive distances to get to and from work; that the delivery trucks of Omar, Inc., have been compelled to travel an excessive distance of two miles on each trip; that, if the applicant and Omar Mills construct the warning sign and fences east of the Union Pacific tracks as proposed, the crossing will be used principally by the customers of the applicant and Omar, Inc., and the use of such crossing by others will be infrequent and merely incidental; that, in view of the fact that a grade crossing leading from the old Brighton Road to the first elevator south of the applicant's plant is now being used, the customers of the applicant and Omar, Inc., who will use the proposed crossing, ordinarily will not traverse the crossing at this other elevator, and, therefore, there will be

no additional hazard to such customers.

The Commission, therefore, further finds that the public convenience and necessity require the opening of the crossing of the old Rickels Road over the Union Pacific tracks at the point mentioned herein; provided, that a warning or stop sign, to be approved by the State Highway Department and the Engineer of this Commission, and fences are constructed east of the Union Pacific tracks and the usual crossing signs and automatic signals are installed.

O R D E R

IT IS ORDERED:

That a highway crossing at grade be, and the same is hereby, permitted to be opened and established across the right of way and tracks of the Union Pacific Railroad Company at a point designated as Mile Post 5.43, said point being on the section line between Sections 6 and 7, Township 3 South, Range 67 West, in Adams County, Colorado; provided, that, prior to the opening of said crossing, it shall be constructed in accordance with the Commission's plans and specifications relating to grade crossings; provided, further, that the applicant, The Intermountain Elevator Company, and Omar, Inc., shall construct a stop or warning sign to be approved by the State Highway Department of the State of Colorado and the Engineer of this Commission, to be erected at a point east of the easterly track of the Union Pacific Railroad Company at said crossing, and to construct and erect fences from the plants of said applicant and Omar, Inc., east of the approach roads from Rickels Road to said plants which are immediately east of said Union Pacific Railroad tracks, which fences shall be connected to said warning or stop sign; and provided further that automatic warning signals shall be installed at said crossing and a customary railroad crossing sign shall be erected west of the tracks of the Union Pacific Railroad Company for the protection of persons using said crossing.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of July, 1945.

BH

(Decision No. 24793)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF THOMAS L. REASONER AND R. A. COOK, DOING BUSINESS AS "ALLIED MOTOR TOURS," COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER OPERATING RIGHTS TO THOMAS L. REASONER AND PAULINE A. REASONER, DOING BUSINESS AS "ALLIED MOTOR TOURS," AND TO TRANSFER OPERATING RIGHTS TO R. A. COOK, COLORADO SPRINGS, COLORADO.	)	APPLICATIONS NOS. 637-AAA 847-AAA-AA 849-AAA-A

July 31, 1945.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

Pursuant to authority derived from or contained in Decisions Nos. 13304, 20045, 17399, 20753, and 22323, Thomas L. Reasoner and Raymond A. Cook, doing business as "Allied Motor Tours," acquired authority to operate seven cars in sightseeing and livery service in the Pikes Peak Region, subject to the conditions and restrictions contained in said orders.

Three of said operating rights, directly or indirectly, were acquired from Morgan James, one was acquired from B. E. Beals, and three from the William Irvine Estate. Said Reasoner and Cook are not authorized to engage in auto livery service with the three cars which they are authorized to operate under the authority acquired from Irvine during such period of time as they shall be prohibited from engaging in sightseeing service under O.D.T. regulations, or otherwise.

Applicants herein seek to dissolve their partnership, and to transfer the right to operate three cars in sightseeing and auto livery service to Thomas L. Reasoner and Pauline A. Reasoner, and to transfer the right to operate four cars in sightseeing and auto livery service to R. A. Cook.

Inasmuch as all parties in interest at the hearing on the various applications which were disposed of by Decision No. 21632, dated November 22, 1943, stated they had no objection to the dissolution of said partnership and the transfer of operating rights to operate motor cars in sightseeing and auto livery service to the respective partners, as herein prayed, the Commission believes that no useful purpose would be served by setting said matter for formal hearing, after notice, and therefore has determined to hear, and has heard, said application without such setting and notice.

It does not appear from the files herein that said application should be denied. It does appear there are no outstanding unpaid obligations; that the right to operate said cars in sightseeing service has been suspended in compliance with the requirements of the Office of Defense Transportation.

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted; that said partnership property should be divided between the partners as requested; that the right to operate three cars in sightseeing and auto livery service should be transferred to Thomas L. Reasoner and Pauline A. Reasoner, doing business as "Allied Motor Tours," and the right to operate four cars in such service should be transferred to R. A. Cook; that the operating right acquired by Thomas L. Reasoner and Pauline A. Reasoner should be given the number "164", and that the operating right acquired by R. A. Cook should be assigned a new number; that the passenger-mile tax deposit on file with the Commission should be divided equally between said operations - that is, one-half thereof should be transferred to the account of Thomas L. Reasoner and Pauline A. Reasoner, and the other half transferred to the account of R. A. Cook.

O R D E R

IT IS ORDERED:

That Thomas L. Reasoner and R. A. Cook, doing business as "Allied

Motor Tours," Colorado Springs, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to the right to operate three cars in sightseeing and auto livery service acquired by Thomas L. Reasoner from the Morgan James Estate, pursuant to authority contained in Decision No. 20045, to Thomas L. Reasoner and Pauline A. Reasoner, doing business as "Allied Motor Tours," Colorado Springs, Colorado.

That Thomas L. Reasoner and R. A. Cook, doing business as "Allied Motor Tours," Colorado Springs, Colorado, be, and they hereby are, authorized to transfer to R. A. Cook, Colorado Springs, Colorado, all their right, title, and interest in and to the right to operate one car in sightseeing and auto livery service acquired from B. E. Beals, pursuant to authority contained in decisions of the Commission clarified by Decision No. 21632, and the right to operate three cars in sightseeing and auto livery service, which right was acquired by Reasoner and Cook from William Irvine Estate pursuant to authority contained in Decision No. 22323, subject to the restrictions therein contained.

That the operating right of Thomas L. Reasoner and Pauline A. Reasoner be assigned the number "PUC No. 164," and the operating right acquired by R. A. Cook be assigned a new number.

That passenger-mile tax deposit on file with the Commission be divided equally between said operations - that is, one-half thereof transferred to the account of Thomas L. Reasoner and Pauline A. Reasoner, and the other half transferred to account of R. A. Cook.

That said transferees be, and they hereby are, authorized to suspend their sightseeing and auto livery operations under said certificates until such time as such service is authorized by the Office of Defense Transportation of the Federal Government.

The tariff of rates, rules and regulations of the transferors shall become and remain those of the transferees until changed according to

law and the rules and regulations of this Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of July, 1931.

BH

Original

(Decision No. 24794)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF FRED H. AUSTIN, DOING BUSINESS AS AUSTIN BROTHERS, WITH L. C. AUSTIN, FOR ORDER AUTHORIZING A DIVISION OF RIGHTS UNDER CERTIFICATE NO. 375.	)))))	APPLICATIONS NOS. 5617-AA 662-AA

July 31, 1945

Appearances: Fred H. Austin, 955 - 12th St., Boulder, Colorado, pro se;
L. C. Austin, 955 - 12th St., Boulder, Colorado, pro se;
William T. Bullard, 1440 Arapahoe St., Denver, Colorado, for Pioneer Trucking Company.

S T A T E M E N T

By the Commission:

The above-styled matter, pursuant to prior setting, was heard in Denver, Colorado, on February 14, 1945, and taken under advisement.

Pursuant to authority of the Commission contained in Decision No. 16399, of date January 6, 1941, Fred H. Austin, doing business as "Austin Brothers," acquired the operating rights of L. C. Austin and Fred H. Austin, co-partners, doing business as Austin Brothers (PUC No. 375), which rights by Decision No. 12295, of date August 31, 1938, (subject to the requirement that no local town to town service would be performed by them for the transportation of any commodities between Johnstown and Denver and intermediate points, nor between Loveland and Denver and intermediate points, in competition with Denver-Loveland Transportation Company, Milliken-Johnstown Truck Line, McKie Transfer Company, or Colorado Rapid Transit Company) were defined, extended, and fixed to include the right to transport, on call and demand or on schedule, as the them or future public convenience and necessity may require:

1. Milk, cream and dairy products, except cheese and canned milk, as a common carrier by motor vehicle to Denver and Boulder, Colorado, from the territory described as follows:

Commencing at the Northeast corner of Section 1, Twp. 3 North, Range 69 West of the 6th P.M., then South 9½ miles to the East Quarter corner of Section 24, Twp 2 North, Range 69 West, thence East 4 miles to the East quarter corner of Section 22, Twp 2 North, Rg. 68 West, thence South 2½ miles to the Southeast corner of Section 34, Twp. 2 North, Rg. 68 West, thence West 4 miles to the Southeast corner of Section 36, Twp. 2 North, Range 69 West, thence South 5 miles to the Southeast corner of Section 25, Twp. 1 North, Rg. 69 West, thence West 6 miles to the Southeast corner of Section 25, Twp. 1 North, Rg. 70 West, thence South 1 mile to the Southeast corner of Section 36, Twp. 1 North, Rg. 70 West, thence East to the Northeast corner of Section 1, Twp. 1 South, RG. 70 West, thence south 1 mile to the Southeast corner of Section 1, thence West 6 miles to the Southwest corner of Section 6, Twp. 1, South, RG. 70 West, thence North 1 mile to the Northwest corner of said Section 6, thence West to the Southwest corner of Section 31, Twp. 1 North, Rg. 70 West, thence North 9 miles to the Northwest Corner of Section 19, Twp. 2 North, Rg. 70 West, thence West 1 mile to the Southwest corner of Section 13, Twp 2 North, Rg. 71 West, thence North 6 miles to the Northwest corner of Section 24, Twp. 3 North, Rg. 71 West, thence East 2 miles to the Northeast corner of Section 19, Twp. 3 North, Rg. 70 West, thence North 3 miles to the Northwest corner of Section 5, Twp. 3 North, Rg. 70 West, thence east 11 miles to the place of beginning, with back-haul to farms in said area of butter, cream and dairy supplies.

2. Milk, cream and dairy products as a common carrier by motor vehicle, via any passable highway, from farms and points in the area described in paragraph 1 hereof, to Loveland, Longmont and Johnstown, Colorado, with back-haul of butter, cream and dairy supplies to farms in said area; provided, however, that no service shall be furnished to Longmont and Johnstown from that portion of the aforesaid territory that conflicts with the territory of Clyde Beeson, holder of Certificate No. 809, which conflicting area is a strip of territory one-half mile wide on the east side of a portion of the aforesaid area, and is described as follows:

The East half of Sections 22, 27 and 34, and all of Sections 23, 24, 25, 26, 35 and 36, Twp. 3 North, Rg. 69 West, the east half of Sections 3, 10 and 15, and the Northeast Quarter of Section 22, all of Sections 1, 2, 11, 12, 13, 14 and the North Half of Sections 23, and 24, Twp. 2 North, Range 69 West, in Boulder County, Colorado.

3. Milk, cream and dairy products, except cheese and canned milk, between Boulder and Loveland, Colorado, via State Highways 1 and 7, and milk, cream and dairy products from farms and ranches along said highways to either of said cities; but not between any other towns along said highways other than Boulder and Loveland, with back-haul of butter, cream and dairy supplies to farms in said area.

4. Milk, cream and dairy products, except cheese and canned milk, between farms and ranches in the area described in paragraph 1 hereof, not in conflict with the territory of Colorado Rapid Transit Company, on the one hand, and, on the other, Lafayette, Colorado, via all passable highways, the territory not in

conflict with the territory of Colorado Rapid Transit Company being that portion thereof north and West of a line described as follows:

Commencing at the Northeast corner of Section 1, Twp. 3 North, Rg. 69 West, thence South 4 miles to the Northeast corner of Section 25, same Twp. and Range, thence southwesterly to the West Quarter corner of Section 26, same Township and Range, thence southwesterly to the Southwest corner of Section 33, Twp. 3 North, Range 69 West, thence Southwesterly to the Southwest corner of Section 8, Twp. 2 North, Range 69 West, thence South 2 miles to the Southwest corner of Section 20, same Twp. and Range, thence Southwesterly to the Southwest corner of Section 25, Twp. 2 North, Range 70 West, thence Southwest to the Southwest corner of Section 17, Twp. 1 North, Range 70 West, thence South along the section lines to the Southeast corner of Section 6, Twp. 1 South, Range 70 West, with back-haul of butter, cream and dairy supplies to farms in said area.

By Decision No. 17683, dated September 25, 1941; the authority of Fred Austin, doing business as Austin Brothers, was extended to include the right to transport milk, cream and dairy products from all points in that part of the territory he was authorized to serve under Decision No. 16399 aforesaid which are in Boulder County, to Marshall and Golden, and points intermediate.

Pursuant to authorization granted by Decision 19026, of date June 11, 1942, in Application No. 5617-A, Albert A. Beck transferred to Fred Austin, doing business as Austin Brothers, the authority granted by Decision No. 17628 on September 13, 1941, to transport:

Milk and cream between points within the area described as follows: Beginning at Broomfield, Colorado, thence south 5 miles on Colorado Highway No. 121, thence east 1 mile to Sheridan Boulevard, thence south along Sheridan Boulevard to West Colfax Avenue, thence west to a point 2 miles due west of Golden, thence north along a line paralleling Colorado Highway No. 121 to a point due west of the point of beginning, thence east to point of beginning, and from points in said area to Golden, with back haul of empty cans, with the proviso that no service shall be rendered under said authority from or to points in said area to or from Denver, Wheatridge and Iowa dairies.

After authorization first had and obtained from the Commission (Decision 20520), the said Fred H. Austin, doing business as Austin Brothers,

acquired from Orville Jenkins that part of the authority granted by the Commission in Decision 1570 to John T. Schmitt, doing business as Schmitt-Arvada Transfer, which authorized him to transport milk and cream from points within a radius of nine miles of Arvada on the one hand, and, on the other, Denver, Colorado, with back-haul of empty cans.

By this application, Fred H. Austin, doing business as Austin Brothers, asks permission of the Commission to transfer to L. C. Austin the authority he acquired from Albert A. Beck pursuant to Decision No. 19026 and the authority he acquired from Orville Jenkins pursuant to Decision No. 20520, except the right to haul milk and cream from the Stearns Dairy ranch located in Sections 22 and 27, in Township 1 South, Range 69 West, to Stearns Dairy at Denver, with back-haul of empty cans, which authority is to be retained by the said Fred H. Austin. He also asks that the authority acquired from Beck - Decision 19026 - be extended to permit said L. C. Austin to transport milk and cream from points within the area there described to Denver, the Iowa Dairy on West 44th Avenue near the Denver city limits, and Wheatridge Dairy at West 44th and Wadsworth, in addition to Golden, and also that L. C. Austin be authorized to transport milk from the Jenkins (Schmitt-Arvada) territory acquired by Fred Austin pursuant to Decision 20520, to Golden, Colorado. Fred H. Austin, in addition to retaining the right to serve the Stearns Dairy ranch, wants to retain all authority acquired from the Austin Brothers partnership pursuant to Decision 16399 aforesaid, as extended by Decision 17683, which permits service from Boulder County points to Marshall and Golden, and while application did not so request, at the hearing asked that his authority be extended as to the territory he retains to include the right to deliver milk from all points in said territory to Wheatridge Dairy.

Protestant, Pioneer Trucking Company, through its representative, Mr. Bullard, did not object to the division of the authority and does not

object to a formal finding by the Commission that L. C. Austin should have the right to transport milk from the Jenkins and Beck territories (the former including the latter) to Denver, Golden and the Wheatridge Dairy and Iowa Dairy, although there might be some technical objections made thereto. Protestant, however, objected to the proposed extension, which would authorize Fred Austin to convey milk and cream from the territory retained by him to Wheatridge Dairy.

We think the objection is well taken. Wheatridge Dairy is located approximately one mile west of Denver, and definitely it cannot be said that authority to serve Denver should be construed as authority to serve Wheatridge Dairy. A formal application for extension should be filed by Fred H. Austin if he desires to extend his service to that point.

When the Beck certificate was granted, service was specifically excepted to Denver, Wheatridge Dairy and Iowa Dairy. The reason assigned in the order was that Jenkins then was hauling, and for many years had been hauling, milk from the territory to these dairies and to Denver. The Beck territory was more than covered by the Jenkins territory. Jenkins was not hauling to Golden, and his certificate, in terms, did not authorize service to Golden. However, practically all of the territory which he actually served is in the Beck territory, so that for practical purposes, the milk, whether from original Beck or Jenkins territory, where both certificates are in the hands of the same person, can move to Golden. The same is true of the Jenkins' milk, which can go to Denver, Wheatridge and Iowa dairies, because practically all the milk moving from the Jenkins territory also moves from territory covered by original Beck authority. This accounts for Mr. Bullard's position as to the request that right of Linton C. Austin, under the transferred authority, to haul milk to Denver, Golden, Iowa Dairy, and Wheatridge Dairy, from the transferred territory, be confirmed.

We know of no one other than Pioneer that would be in a position to object to the request. That is, Pioneer is only carrier affected. Moreover, Jenkins, as was pointed out in the Beck decision No. 17628, without objection,

for many years had hauled milk to Wheatridge and Iowa dairies.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require:

1. That Fred H. Austin, doing business as "Austin Brothers," be authorized to transfer to L. C. Austin the authority he acquired from Albert A. Beck pursuant to Decision No. 19026, and the authority he acquired from Orville Jenkins pursuant to Decision No. 20520, as hereinbefore set forth, except the right to haul milk and cream from the Stearns Dairy ranch located in Sections 22 and 27, in Township 1 South, Range 69 West, to Steams Dairy in Denver, with back-haul of empty cans.

2. That said L. C. Austin, under said transferred authority, shall have the right to transport milk and cream from points within the areas therein described to Golden, Denver, Iowa Dairy on West 44th Avenue near the Denver city limits, and Wheatridge Dairy at West 44th Avenue and Wadsworth.

3. That under the authority retained by him, said Fred H. Austin shall have the authority described in paragraph 2 of the Statement herein, including sub-paragraphs numbered 1, 2, 3, and 4 thereof, and paragraph 3 of the Statement which covered the authority granted by Decision 17683, which paragraphsby reference are made part hereof, and also shall have the right to haul milk and cream from the Stearns Dairy ranch, located in Sections 22 and 27, in Township 1 South, Range 69 West, to Stearns Dairy at Denver, with back-haul of empty cans.

4. That request of Fred H. Austin for authority to extend his service under the retained authority to include the right to deliver milk and cream from said territory to Wheatridge Dairy, located at the corner of West 44th Avenue and Wadsworth Avenue, about one mile west of Denver, Colorado, should be denied.

O R D E R

THE COMMISSION ORDERS:

That Fred H. Austin be, and he hereby is, authorized to transfer

to L. C. Austin the authority he acquired from Albert A. Beck pursuant to Decision No. 19026, and the authority he acquired from Orville Jenkins pursuant to Decision 20520, as set forth in Statement preceding, which by reference is made a part hereof, except the right to haul milk and cream from the Stearns Dairy ranch located in Sections 22 and 27, in Township 1 South, Range 69 West, to Stearns Dairy in Denver, with back-haul of empty cans.

That said L. C. Austin, under said transferred authority, shall have the right to transport milk and cream from points within the areas therein described, to Golden, Denver, Iowa Dairy on West 44th Avenue near the Denver city limits, and Wheatridge Dairy at West 44th Avenue and Wadsworth Avenue.

That under the authority retained by him, said Fred H. Austin shall have the authority described in paragraph 2 of the Statement herein, including sub-paragraphs numbered 1, 2, 3, and 4 thereof, and paragraph 3 of the Statement, which covers the authority granted by Decision 17683, which paragraphs by reference are made a part hereof, and also shall have the right to haul milk and cream from the Stearns Dairy ranch located in Sections 22 and 27, Township 1 South, Range 69 West, to Stearns Dairy at Denver, with back-haul of empty cans.

That the request of Fred H. Austin for authority to extend his service under the retained authority to include the right to deliver milk and cream from said territory to Wheatridge Dairy located at the corner of West 44th Avenue and Wadsworth Avenue, about one mile west of Denver, Colorado, be, and the same hereby is, denied.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of July, 1945.
BH

(Decision No. 24795)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY ON ONE CARLOAD OF COAL FROM PINNACLE, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.	)	MISCELLANEOUS DOCKET NO. 207

August 3, 1945

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated July 26, 1945, requesting authority to transport one carload of coal from Pinnacle, Colorado, to Denver, Colorado, free of charge, on account of charity.

The shipment in question has been donated by one of the operators on the line of The Denver and Salt Lake Railway Company for use of the Robert Steele Social Center, an agency of the Denver Community Chest, a charitable institution, and is to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

O R D E R

IT IS ORDERED:

That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Pinnacle,

Colorado, consigned to the Denver Community Chest in care of the Barnett Fuel and Oil Company, Denver, Colorado.

That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of August, 1945

JH

FORM 1801

Decision No. 24795
Misc. Docket No. 207

THE DENVER AND SALT LAKE RAILWAY CO.

822 DENVER NATIONAL BUILDING
ZONE 2
DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

F. H. BOOTH
ASST. TO TRAFFIC MANAGER

6
1

July 26, 1945

File: 35-2



The Public Utilities Commission of the
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One carload of coal has been donated by one of the operators on our line to the Denver Community Chest for the benefit of the Robert Steele Social Center, one of the Community Chest Agencies. This car will be consigned to the Denver Community Chest in care of the Barnett Fuel & Oil Co., Denver.

We shall be pleased to haul this car of coal free of charge from the mine at Pinnacle, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
B.

H

(Decision No. 24796)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THE TOLBERT TRUCK LINE, OF) PERMIT NO. B-821
YUMA, COLORADO.)

August 3, 1945.

S T A T E M E N T

By the Commission:

On June 1, 1945, by Decision No. 24551, the Commission authorized The Tolbert Truck Line to suspend its operations under Permit No. B-821 for a period of not to exceed the duration of the present war and six months thereafter, from June 13, 1945.

The Commission is now in receipt of a communication from the above-named company requesting that its permit be reinstated.

After careful consideration of the record, the Commission is of the opinion, and finds, that the Tolbert Truck Line should have its Permit No. B-821 reinstated, said company having on file the necessary certificate of insurance and otherwise having complied with the rules and regulations of the Commission.

O R D E R

IT IS ORDERED:

That Permit No. B-821 should be, and the same hereby is, reinstated as of July 5, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of August, 1945.

R

(Decision No. 24797)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BEN TERRY, ROUTE 1, ROCKY FORD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6968-PP

August 4, 1945

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
R. M. Jackson, Rocky Ford, Colorado, for Jackson Transfer and Storage Company.

STATEMENT

By the Commission:

On June 26, 1945, decision was entered in the above-styled matter (Decision No. 24638), dismissing the application on account of failure of applicant to appear at the time and place set for hearing.

The Commission is in receipt of a letter from applicant, asking for a rehearing.

After careful consideration of said request and the record herein, the Commission is of the opinion, and finds, that our Decision No. 24638 should be set aside, vacated, and held for naught, and said matter set for hearing.

ORDER

IT IS ORDERED:

That Decision No. 24638, of date June 26, 1945, in the above-styled matter, be, and the same hereby is, set aside, vacated, and held for naught.

That said matter be, and the same hereby is, set for hearing at the District Court Room, Pueblo, Colorado, on the 14th day of August, 1945, at 2 o'clock P.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of August, 1945

JH

(Decision No. 24798)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM W. WOOD AND SAM C. JENKINS,)
OF LA MESA, TEXAS.) PERMIT NO. C-14019
)
)
)

August 8, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tom W. Wood and Sam C. Jenkins of La Mesa, Texas, requesting that his Permit No. C-14019 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14019, heretofore issued to Tom W. Wood and Sam C. Jenkins, be, and the same is hereby, declared cancelled effective July 3, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of August, 19 45

R

(Decision No: 24799)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY PAWLEY AND GEORGE PAWLEY,)
DOING BUSINESS AS PAWLEY OIL) PERMIT NO. C-15150
COMPANY.)
)
)

August 8, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ray Pawley and George Pawley d/b/a Pawley Oil Co., of Fremont, Nebraska, requesting that his Permit No. C-15150 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15150, heretofore issued to Ray Pawley and George Pawley d/b/a Pawley Oil Company, be, and the same is hereby, declared cancelled effective July 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45

(Decision No. 24800)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
TONY VENTO, DOING BUSINESS AS) PERMIT NO. C-14580
VENTO COAL COMPANY, OF)
FLORENCE, COLORADO.)
)

August 8, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tony Vento, doing business as Vento Coal Co., of Florence, Colorado, requesting that his Permit No. C-14580 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14580, heretofore issued to Tony Vento, doing business as Vento Coal Co., be, and the same is hereby, declared cancelled effective June 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45

R

(Decision No. 24801)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LAWRENCE E. ELLIS AND JOHN)
RICE d/b/a ELLIS AND RICE) PERMIT NO. C-13837
SERVICE STATION, OF BOX 176,)
LOVELAND, COLORADO.)

August 8, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lawrence E. Ellis and John Rice d/b/a Ellis & Rice Service Station, of Box 176, Loveland, Colorado, requesting that his Permit No. C-13837 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13837, heretofore issued to Lawrence E. Ellis & John Rice d/b/a Ellis & Rice Service Station, be, and the same is hereby, declared cancelled effective July 3, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of August, 1945

(Decision No. 24802)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. D. JAMES, OF DILLON, COLORADO.) PERMIT NO. C-11597
)

August 8, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a communication from A. D. James of Dillon, Colorado, requesting that his Permit No. C-11597 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. C-11597, heretofore issued to A. D. James, be, and the same is hereby, declared cancelled effective July 18, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45

R

(Decision No. 24803)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ARAPAHOE CO-OPERATIVE ASSOCIATION, INC., OF 2800 SOUTH BROADWAY, ENGLEWOOD, COLORADO.

PERMIT NO. C-9508

August 8, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Arapahoe Co-Operative Association, Inc. of Englewood, Colorado, requesting that his Permit No. C-9508 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9508, heretofore issued to the Arapahoe Co-Operative Association, Inc., be, and the same is hereby, declared cancelled effective July 19, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45

R

(Decision No. 24804)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GOODLAND AUTO WRECKING COMPANY,)
OF 808 SYRACUSE ST., GOODLAND,) PERMIT NO. C-15433
KANSAS.)
)
)

August 8, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Goodland Auto Wrecking Company of Goodland, Kansas, requesting that his Permit No. C-15433 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15433, heretofore issued to the Goodland Auto Wrecking Company, be, and the same is hereby, declared cancelled effective June 28, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45

(Decision No. 24805)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAVERIO PANTANO, OF 1431)
KALAMATH STREET, DENVER, 4,) PERMIT NO. B-3150
COLORADO.)
)
)

August 8, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Saverio Pantano of Denver, Colorado, requesting that his Permit No. B-3150 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-3150, heretofore issued to Saverio Pantano, be, and the same is hereby, declared cancelled effective July 15, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45

R

(Decision No. 24806)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. H. MARTIN, OF 819 WEST EVANS,) PERMIT NO. B-3000
PUEBLO, COLORADO.)

August 8, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. H. Martin of Pueblo, Colorado, requesting that his Permit No. B-3000 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-3000, heretofore issued to J. H. Martin, be, and the same is hereby, declared cancelled effective July 12, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45

R

(Decision No. 24807)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF J. H. NICKESON, OF WHEATLAND, WYOMING.

PERMIT NO. A-514

August 8, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. H. Nickeson of Wheatland, Wyoming, requesting that his Permit No. A-514 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. A-514, heretofore issued to J. H. Nickeson, be, and the same is hereby, declared cancelled effective July 21, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45.

(Decision No. 24808)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. G. HORST, OF OCTAVIA, NEBRASKA.) PERMIT NO. C-14134
)

August 8, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. G. Horst of Octavia, Nebraska, requesting that his Permit No. C-14134 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. C-14134, heretofore issued to W. G. Horst, be, and the same is hereby, declared cancelled effective July 7, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 8th day of August, 19 45

R

Original

(Decision No. 24809)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF COMMONWEALTH UTILITIES CORPORATION FOR ORDER AUTHORIZING SALE BY COMMONWEALTH UTILITIES CORPORATION TO THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION OF ALL ITS ASSETS, INCLUDING EXISTING AND OPERATING LINES FOR ELECTRIC SERVICE IN THE COUNTY OF DOUGLAS, STATE OF COLORADO.

APPLICATION NO. 1164-A

July 24, 1945

Appearances: Leon B. Snyder, Esq., Colorado Springs, Colorado, for Commonwealth Utilities Corporation;
Cecil R. Ditsch, Esq., Littleton, Colorado, for Intermountain Rural Electric Association;
Worth Allen, Esq., Denver, Colorado, for Colorado Central Power Company.

STATEMENT

By the Commission:

Commonwealth Utilities Corporation, applicant herein, under certificate of public convenience and necessity issued by this Commission, owns, maintains, and operates lines, for the transmission and distribution of electrical energy in the Town of Castle Rock, and certain areas in Douglas County. Besides its certificate of public convenience and necessity, it owns certain franchise rights granted by the municipalities it serves, to it or to its predecessors in interest, to operate said electrical system in said towns.

On December 19, 1928, by Decision No. 2011, Commonwealth Utilities Corporation was granted a certificate of public convenience and necessity to exercise certain franchise rights granted to it by the Town of Castle Rock in and by Ordinance No. 100. Said franchise, in general, authorized

Commonwealth Utilities Corporation, its successors and assigns, to construct, maintain, and operate an electric lighting and power plant and distribution system in the Town of Castle Rock, Colorado, and to generate, furnish, and sell electric energy to the town and the inhabitants thereof, subject to certain conditions and restrictions upon the exercise of the rights and privileges granted.

In Application No. 1255, by Decision No. 2041, dated January 16, 1929, the Town of Castle Rock was permitted to transfer, and did transfer, to Commonwealth Utilities Corporation, the certificate of public convenience and necessity issued to it by this Commission on February 28, 1928, Decision No. 1602, which authorized the town to serve the area contiguous to Castle Rock and the territory contiguous to its then (as of date February 28, 1928) constructed electric transmission lines.

Said property and rights to be transferred are particularly described in a certain Deed and Bill of Sale from Commonwealth Utilities Corporation, a Colorado corporation, to The Intermountain Rural Electric Association, a Colorado corporation, which is a part of Exhibit 1 introduced at the hearing on the application filed herein, said application being one to sell all applicant's electrical and utility properties in the County of Douglas, including its lines, service, facilities, etc., in the Town of Castle Rock, which it owns, holds, and uses for the purpose of serving the citizens of said county and said towns located therein with electrical energy. Said The Intermountain Rural Electric Association is a non-profit cooperative association, incorporated under the provisions of Chapter 52 of the Session Laws of Colorado, 1913, and is financed and supervised by Rural Electrification Administration, organized by Act of Congress. The terms of sale and purchase are set forth in detail in the agreement and contract introduced in evidence as Exhibit 1, reference to which is hereby made, said deed and bill of sale, as aforesaid, being a part thereof.

Copies of said application, which was filed on July 13, 1945, were duly and regularly served upon the Board of County Commissioners of Douglas County, the Town of Castle Rock, the Colorado Central Power Company, and William H. Robinson, Jr., State Counsel for the Rural Electrification Association.

The matter was heard in Denver, Colorado, on July 24, 1945, and taken under advisement.

No one appeared in opposition to the granting of the authority sought.

At the hearing, it appeared that the consideration for the transfer of said property, including the certificates of public convenience and necessity and franchises aforementioned, is the sum of Eighty-Seven Thousand Five Hundred Dollars ($87,500.00); that The Intermountain Rural Electric Association is incorporated as a cooperative under the laws of the State of Colorado for the purpose of generating, distributing, and selling electrical energy to and among the members of the Association; that its by-laws do not prohibit service to non-members; that it, heretofore, has acquired some properties from public utilities which served in Elbert, Kiowa, Elizabeth, Palmer Lake, Monument, and Lark Spur and certain rural areas; that as to said territory and the properties so acquired, it has continued to serve non-members; that if the sale and purchase agreement involved herein is approved by the Commission and it acquires the properties covered by this application from Commonwealth Utilities Corporation, it proposes to serve all persons now receiving service from said system, and such persons as may desire such service in the future from said system — whether they are or are not members of said cooperative, and will discharge and fulfill the obligation of Commonwealth Utilities Corporation to serve under the franchises and certificates heretofore mentioned which it proposes to take over; that its operations have been financed by the United States Government through R.E.A.; that purchase of properties from Commonwealth Utilities Corporation has been regularly authorized and approved by its Board of Directors, the terms, price, etc., upon which it would acquire the property being determined and settled by its Directors,

representatives of R.E.A., and the Association's Engineer; that R.E.A. has approved the contract, has made the necessary allotment, and will advance the $87,500.00 required for purchase of property; that The Intermountain Rural Electric Association now serves in territory contiguous to the territory being acquired, and after purchase is consummated, all properties that can be, probably will be integrated and operated as a whole; that Commonwealth Utilities Corporation has purchased its energy at wholesale from Colorado Central Power Company; that Intermountain proposes to continue the arrangement, and to acquire its energy for resale in said area from Colorado Central; that Intermountain is adequately financed, and will be able to, and will, furnish better service than they are now receiving, to the consumers of energy in the territory to be acquired.

The record made is sufficient to show that, financially, transferee is able and qualified to take over and operate properties of the Commonwealth Utilities Corporation mentioned in the application and Exhibit No. 1 herein -- at least there is no evidence to the contrary. It did not appear that the management of transferee is not competent and efficient, or that the service to be furnished Commonwealth customers may be less satisfactory than the service now furnished by Commonwealth. No customers of Commonwealth Utilities, or members of Intermountain Rural Electric Association appeared in person at the hearing, or otherwise, to voice objections to sale and purchase. Apparently, customers of Commonwealth are agreeable to the change, and believe that they will secure adequate and satisfactory service from the Association at proper rates. Some extensions in rural areas no doubt will be made, which means that many farms now without electric service, and without hope of service from Commonwealth Utilities, will be connected and receive electrical energy.

It also appeared that closing date for the consummation of said sale and purchase agreement is July 25, 1945. Applicant therefore suggested that, in the event order authorizing sale and transfer is entered herein, it be made effective forthwith. Intermountain joined in said request, and Worth Allen, Counsel for Colorado Central Power, stated that it had no objection to the granting of said request.

Generally speaking, a property-owner should be allowed to sell, unless it would be detrimental to the public to so do, (State, ex rel St. Louis v. P.S.C. (Mo.) 5 PUR (N.S.) 230), In re application of Western Colorado Power Company (Application 5640, Decision No. 18147), In re application of Highland Utilities Company (Decision No. 22666), and it would seem that the proposed sale and purchase is in the public interest.

While counsel for Intermountain did not, in terms, state that the Association is willing to serve as to the acquired lines as a utility, he made it clear that if there is any question as to its right to own and operate the acquired public utility lines, as a part of its business, or to operate as a utility, if it must, under the applicable statutes, as to the acquired lines, the Association is willing to amend its charter and its by-laws to meet said situation, and to do anything that may be necessary under the law to permit it to carry on the Commonwealth operation as a utility, or otherwise.

We do not believe it is necessary at this time, and it probably is not within our jurisdiction in this proceeding (Natatorium Co. v. Erb (Ida.) 200 Pac. 209), to find that the Association cannot operate as a cooperative and a utility at the same time, if that be the effect of this transfer, although there is some authority to the effect that by so doing it would become a utility as to all its operations. As a general rule, an owner or the person in control of property becomes a utility only when and to the extent that his business and property are devoted to a public use. In our decision, re Highland Utilities Company Application, Decision No. 22666, the question is discussed at length.

We therefore find that public convenience and necessity require the proposed transfer and sale to Intermountain Rural Electric Association by Commonwealth Utilities Corporation of its certificates of public convenience and necessity, and other properties, heretofore mentioned, and more particularly described in the Agreement and Bill of Sale referred to, being Exhibit No. 1 at the hearing, of date June 1, 1945, which, by

reference is made a part hereof, for the considerations therein expressed, subject, however, to restrictions and conditions set forth in the Order following, which, in the opinion of the Commission, the public interest requires. In the opinion of the Commission, the public interest also requires that this order be made effective forthwith.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the transfer and sale to The Intermountain Rural Electric Association, a cooperative corporation, organized and existing under the laws of the State of Colorado, by Commonwealth Utilities Corporation, a Colorado corporation, of its certificates of public convenience and necessity, franchise rights, and other properties, as set forth in the Agreement of Sale and Purchase, of date June 1, 1945, being Exhibit No. 1 at the hearing, which, by reference, is made a part hereof, for the considerations therein expressed, subject, however, to the following restrictions:

1. That in the event that The Intermountain Rural Electric Association is not now, under its Articles of Incorporation and By-Laws authorized to serve non-members, it shall, immediately and in not more than six (6) months from the date hereof, amend its Articles of Incorporation and its By-Laws to provide that service shall be rendered to non-members, as well as members of the Association, on lines acquired from public utilities, including the lines acquired pursuant to this Order, and promptly inform this Commission of such action.

2. That, upon completion and consummation of the transfer herein authorized, transferee shall take over and acquire all privileges and rights of Commonwealth Utilities Corporation under its certificates of public convenience and necessity and franchises from the Towns served by Commonwealth Utilities Corporation in Douglas County, and shall assume and discharge all obligations thereby imposed upon said Commonwealth Utilities Corporation, under said certificates and franchises, and shall furnish service, including, without limiting the generalities of the foregoing, the sale of electric energy, without discrimination between

members and non-members of the Association, and all franchise and statutory rights of the towns served under franchises shall be fully retained by said towns.

That jurisdiction hereof be, and the same is, retained to the end that such further order or orders deemed necessary may be entered by this Commission.

That transferee shall file its rate schedules, rules and regulations, set up books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints, into compliance with the Commission's requirements, as to all said acquired property within thirty (30) days after consummation of said transfer.

That this order be, and the same hereby is, made effective forthwith; that is, as of the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of July, 1945

JH

(Decision No. 24810)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF VIRGIL R. WILLIAMS, 1776 WILLIAMS STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7034-PP

August 9, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Virgil R. Williams, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding

service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

(Decision No. 24811)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
ROBERT FOUNTAIN ARMSTRONG, WALDEN,)
COLORADO, TO OPERATE AS A CLASS "B") APPLICATION NO. 7031-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

August 9, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ashes, trash and garbage from point to point within a radius of five miles of the Town of Walden, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Robert Fountain Armstrong, Walden, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ashes, trash and garbage from point to point within a radius of five miles of the Town of Walden, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

(Decision No. 24812)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
ALFRED F. VOWLES, 753 FEDERAL BOULE-)
VARD, DENVER, COLORADO, FOR A CLASS) APPLICATION NO. 7032-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

August 9, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Alfred F. Vowles, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado

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

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

(Decision No. 24813)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
HAROLD C. HAWORTH, ROUTE 3, BOX 91,)
FORT COLLINS, COLORADO, FOR AUTHORI-) APPLICATION NO. 5535-PP-AAA-AA
TY TO TRANSFER PERMIT NO. A-3226 TO)
W. A. McCOY, FORT COLLINS, COLORADO.)

August 9, 1945.

Appearances: Harold C. Haworth, Fort Collins, Colorado, pro se;
W. A. McCoy, Fort Collins, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was heard, pursuant to prior setting, at Denver, Colorado, on July 27, 1945, and taken under advisement.

Harold C. Haworth herein seeks authority to transfer his Private Carrier Permit No. A-3226 to W. A. McCoy, being the authority acquired from Alvin L. Miller, pursuant to Decision No. 22544, he being authorized under said permit to transport:

> Milk in the territory described as: Starting at the corner of College Avenue and Prospect Street, northeast corner of Section 23, Township 7 North, Range 69 West; thence west 1 mile to the northwest corner of Section 23, Township 7 North, Range 69 West (Shields Street); thence south 2 miles to the Southeast corner of Section 27, Township 7 North, Range 69 West; thence west to the northwest corner of Section 35, Township 7 North, Range 70 West; thence south to the southwest corner of Section 2, Township 5 North, Range 70 West; thence east to the southeast corner of Section 5, Township 5 North, Range 68 West; thence north to the northeast corner of Section 17, Township 6 North, Range 68 West; thence west to the southwest corner of Section 7, Township 6 North, Range 68 West; thence north to the northwest corner of Section 6, Township 6 North, Range 68 West; thence west to the southwest corner of Section 36, Township 7 North, Range 69 West; thence north to Fort Collins, via Highway No. 87, with back-haul of empty cans.

It appeared that the consideration for the transfer of said permit

and equipment is the sum of Two Thousand Dollars ($2,000.00) in cash; that there are no outstanding unpaid accounts against transferor's operation; that transferee is willing, able and qualified to carry on the operation; that ton-mile tax deposit is to be transferred to account of transferee; that transferee desires to adopt Customer List of transferor.

FINDINGS

THE COMMISSION FINDS:

That said transfer is in the public interest, and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Harold C. Haworth, Fort Collins, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-3226 to W. A. McCoy, Fort Collins, Colorado.

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

That ton-mile tax deposit of transferor be transferred to account of transferee.

That Customer List of transferor shall become the customer list of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

(Decision No. 24814)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHESTER D. APGAR, JR., 235 EAST THIRD STREET, LOVELAND, COLORADO, FOR AUTHORITY TO TRANSFER P.U.C. NO. 226 TO PAUL W. HILL, 521 EAST EIGHTH STREET, LOVELAND, COLORADO.	)	APPLICATION NO. 711-AB-AAA-A

August 10, 1945

Appearance: Frank L. Beckwith, Loveland, Colorado, for applicants.

S T A T E M E N T

By the Commission:

The above-styled matter was heard in Denver, Colorado, pursuant to prior setting, on July 27, 1945, and taken under advisement.

Chester D. Apgar, Jr., herein seeks authority to transfer to Paul W. Hill the operating rights (P.U.C. No. 226) acquired by him from Lloyd Allen, pursuant to Decision No. 21039, of date June 19, 1943.

At the hearing, it appeared that transferor has authority to operate as a motor vehicle common carrier for hire for the transportation of:

> express between the City of Loveland and the Town of Estes Park, via the Big Thompson River proper, and the north fork thereof, with the right to serve all intermediate points (Decision No. 1404), and freight between Loveland and points within a radius of five and one-half miles of the Village of Estes Park (Decision No. 15224).

It appeared that the consideration for the transfer of the certificate is the sum of Fifty Dollars ($50.00); that there are no outstanding unpaid operating obligations against said operation; that, pecuniarily and otherwise, transferee is qualified to carry on the operation; that ton-mile tax deposit is to be returned to transferor.

F I N D I N G S

THE COMMISSION FINDS:

That the transfer is in the public interest, and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Chester D. Apgar, Loveland, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to P.U.C. No. 226 to Paul W. Hill, Loveland, Colorado.

That ton-mile tax deposit be returned to transferor.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th, day of August, 1945

JH

(Decision No. 24815)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF AUGUST WOOD, GOULD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 6703-PP SUPPLEMENTAL ORDER

August 9, 1945.

S T A T E M E N T

By the Commission:

Heretofore, application of August Wood, Gould, Colorado, for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber from Gould to Walden, over State Highway No. 14, was dismissed for lack of prosecution (Decision No. 27716).

Said August Wood now asks that his said application be reinstated and that the authority sought be granted.

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

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

O R D E R

IT IS ORDERED:

That Application No. 6703-PP be, and the same hereby is, reinstated.

That August Wood, Gould, Colorado, be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of timber from Gould to Walden, Colorado, over State Highway No. 14.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ [illegible]

[illegible]

[illegible]

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

(Decision No. 24816)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
BEN A. ROMERO, 2411 STOUT STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 7033-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

August 9, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to points within a radius of five miles of Denver, Colorado.

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

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

O R D E R

IT IS ORDERED:

That Ben A. Romero, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within

a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to points within a radius of five miles of Denver, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

(Decision No. 24817)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF JERRY GONZALES, 1108 34th STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7038-PP

August 9, 1945.

Appearances: Jerry Gonzales, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing in Denver, Colorado, on August 6, 1945, when the above-styled application, pursuant to prior setting, was heard and taken under advisement, it appeared that applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver, and sand, gravel, cinders, brick, and cinder blocks, from Denver to points within a radius of twelve miles thereof.

No one appeared in opposition to the granting of the authority sought.

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

It did not appear that the proposed operation will impair the efficiency of any authorized motor vehicle common carrier service with which applicant will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the granting of the authority sought is in the public interest; that the proposed operation will not impair the efficiency of any authorized motor vehicle common carrier service, and permit should issue, with authority as sought.

O R D E R

IT IS ORDERED:

That Jerry Gonzales, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver, and sand, gravel, cinders, brick, and cinder blocks, from Denver to points within a radius of twelve miles thereof.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

(Decision No. 24818)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

TOWNS OF OVID AND SEDGWICK, Municipal Corporations, Complainants,	)	
v.	)	CASE NO. 4929
HIGHLINE ELECTRIC ASSOCIATION, Respondent.	)	

August 9, 1945.

Appearances: G. E. Hendricks, Esq., Julesburg, Colorado, for Complainants;
L. L. Bean, Esq., Boatmen's Bank Bldg., St. Louis, Missouri,
Maurice W. Konkel, Esq., Sterling, Colorado, and
William Hedges Robinson, Jr., Esq., Equitable Building, Denver 2, Colorado, for Respondent;
E. B. Evans, Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

The above entitled proceeding was set for hearing at Julesburg, Colorado, at ten o'clock A. M., August 1, 1945. At the time of hearing, the Respondent filed its answer to the complaint herein.

The attorneys for the Complainants and the Respondent, with the approval of the attorney for the Commission, entered into a written stipulation, wherein the Respondent made certain agreements with reference to the furnishing of adequate service to the Towns of Ovid and Sedgwick and other consumers in that vicinity, and in such stipulation it was agreed that this proceeding should be dismissed, subject, however, to the right of either of the parties or the Commission to reopen this case upon due cause shown. Said stipulation was made a part of the record in this proceeding.

The Commission, therefore, finds that the above entitled proceeding should be dismissed, in accordance with such stipulation.

O R D E R

IT IS ORDERED:

That the above entitled proceeding be, and the same hereby is, dismissed, subject, however, to the right of either the Complainants or the Respondent or the Commission to reopen this proceeding upon due cause shown.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

Original

(Decision No. 24819)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILBER M. NEELEY, DOING BUSINESS AS "THE PAGOSA SPRINGS TELEPHONE COMPANY," PAGOSA SPRINGS, COLORADO, AND JUDSON F. THIELE, DOING BUSINESS AS "THE PAGOSA SPRINGS TELEPHONE COMPANY," PAGOSA SPRINGS, COLORADO, FOR APPROVAL OF THE TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 4391-AA

August 10, 1945

Appearances: Conour and Conour, Esqs., Del Norte, Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 24199, of date February 16, 1945, Wilber M. Neeley, doing business as "The Pagosa Springs Telephone Company," was authorized to acquire, and did acquire, from The Pagosa Springs Telephone Company, Inc., a Colorado corporation, the certificate of public convenience and necessity granted by the Commission on January 13, 1938, by its Order and Decision No. 11244.

He now seeks authority to transfer said certificate to Judson F. Thiele, doing business as "The Pagosa Springs Telephone Company."

The matter was heard in Walsenburg, Colorado, on July 31, 1945, pursuant to prior setting, and was taken under advisement.

It there appeared that the consideration for sale and transfer is the sum of Twenty Thousand Dollars ($20,000.00), payable $900.00 on July 10, 1945, said day being the time of execution and delivery of Agreement of Purchase and Sale, $5,000.00 upon delivery of possession of said utility system on or about August 1, 1945, and the balance by the assumption and payment of the balance on the note held by The Pagosa Springs Telephone

Company, Inc., a corporation, which said note is secured by first mortgage upon all said telephone property, which were specifically approved by this Commission by its Order and Decision No. 24199, dated February 16, 1945, in Application No. 4391-A, said promissory note and mortgage to remain in full force and effect until the balance thereof shall be fully paid, according to its terms; that applicant proposes to adopt the rates, rules and regulations governing service, etc., of transferor now on file with the Commission; that transferee is an experienced telephone operator, he having had fifteen years' experience with Southwestern Bell Telephone Company, and a number of years' experience in all capacities in an exchange serving two thousand subscribers; that his financial situation, as of July 31, 1945, giving effect to completed sale and transfer of property, is correctly reflected in Exhibit 2 admitted at the hearing, which, by reference, is made a part hereof. From said statement, it appears that his net worth over and above liabilities assumed in the purchase of said system amountsto $13,215.00.

No one appeared in opposition to the granting of the authority sought.

Findings

THE COMMISSION FINDS:

That present and future public convenience and necessity require:

1. The approval by the Commission of the transfer to Judson F. Thiele, doing business as "The Pagosa Springs Telephone Company," by Wilber M. Neeley, doing business as "The Pagosa Springs Telephone Company," of all his right, title and interest in and to the certificate of public convenience and necessity to exercise franchise rights granted by Paragraph No. 2 of Decision No. 24199, and the certificate of public convenience and necessity granted by Decision No. 11244, and the property owned and operated by said Neeley which he, on July 10, 1945, agreed to sell and transfer to said Judson F. Thiele, doing business as "The Pagosa Springs Telephone Company,"

said transfer not to be construed as:

> permitting or authorizing transferee, his heirs, executors, administrators, successors, or assigns, to extend his lines or service into the territory now served by The Mountain States Telephone and Telegraph Company, except within the limits of the Town of Pagosa Springs for local service and rural lines extending therefrom furnishing local service to subscribers within said 35-mile radius of Pagosa Springs and long distance service by connection with The Mountain States Telephone and Telegraph Company at the switchboard of the transferee at Pagosa Springs, Colorado; nor shall it be construed to operate as excluding the present operations of The Mountain States Telephone and Telegraph Company in said territory, or any portion thereof, or any extensions of said present operations in non-competitive territory.

2. Transferee, if he shall elect so to do, upon one day's notice to the public, may adopt the rate schedules, rules and regulations of transferor, upon filing his election, in writing, with the Commission.

3. That said Judson F. Thiele should be allowed to assume payment of balance of Fourteen Thousand Five Hundred Dollars ($14,500.00) due upon note and mortgage executed by Wilber M. Neeley to The Pagosa Springs Telephone Company, a corporation, in the principal sum of Fifteen Thousand Dollars ($15,000.00), to cover payment of balance due on purchase price when he acquired said property, the execution of which specifically was approved by our Decision No. 24199, dated February 16, 1945.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require:

1. The transfer by Wilber M. Neeley, doing business as "The Pagosa Springs Telephone Company," to Judson F. Thiele, doing business as "The Pagosa Springs Telephone Company," of the certificate of public convenience and necessity to exercise franchise rights granted by Paragraph No. 2 of Decision No. 24199, and the certificate of public convenience and necessity granted by Decision No. 11244, which said operating rights he acquired pursuant to Decision No. 24199, and the property owned and operated by said Neeley which he, on July 10, 1945, agreed to sell and

transfer to said Judson F. Thiele, doing business as "The Pagosa Springs Telephone Company," be, and the same hereby is, approved and confirmed, said transfer not to be construed as:

> permitting or authorizing transferee, his heirs, executors, administrators, successors, or assigns, to extend his lines or service into the territory now served by The Mountain States Telephone and Telegraph Company, except within the limits of the Town of Pagosa Springs for local service and rural lines extending therefrom furnishing local service to subscribers within said 35-mile radius of Pagosa Springs and long distance service by connection with The Mountain States Telephone and Telegraph Company at the switchboard of the transferee at Pagosa Springs, Colorado; nor shall it be construed to operate as excluding the present operations of The Mountain States Telephone and Telegraph Company in said territory, or any portion thereof, or any extensions of said present operations in non-competitive territory.

Transferee shall file rate schedules, rules and regulations, set up his books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, and complaints into compliance with the Commission's requirements, within twenty (20) days from date.

Transferee, if he shall elect so to do, upon one day's notice to the public, may adopt the rate schedules, rules and regulations of transferor upon filing his election, in writing, with the Commission.

Failure of transferee to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

That said Judson F. Thiele is hereby allowed to assume payment of balance of Fourteen Thousand Five Hundred Dollars ($14,500.00) due upon note and mortgage executed by Wilber M. Neeley to The Pagosa Springs Telephone Company, a corporation, in the principal sum of Fifteen Thousand Dollars ($15,000.00), to cover payment of balance due on purchase price when he acquired said property, the execution of which specifically was approved by our Decision No. 24199, dated February 16, 1945.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of August, 1945

JH

(Decision No. 24820)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY ON TWO CARLOADS OF COAL FROM PINNACLE, COLORADO, TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.	)	MISCELLANEOUS DOCKET NO. 208

August 7, 1945

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated August 6, 1945, requesting authority to transport two carloads of coal from Pinnacle, Colorado, to Denver, Colorado, free of charge, on account of charity.

The shipments in question have been donated by one of the operators on the line of The Denver and Salt Lake Railway Company for use of various agencies of the Denver Community Chest, a charitable institution, and the Chest Office Building, and are to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

O R D E R

IT IS ORDERED:

That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on two carloads of coal from Pinnacle,

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

That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of August, 1945

JH

FORM 1801

Decision No. 208
misc. Docket No. 2 4826

THE DENVER AND SALT LAKE RAILWAY CO.

F. J. TONER
TRAFFIC MANAGER

F. H. BOOTH
ASST. TO TRAFFIC MANAGER

822 DENVER NATIONAL BUILDING
ZONE 2
DENVER, COLORADO

6

August 6, 1945

File: 35-2

The Public Utilities Commission of the
State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

Two cars of coal have been donated by one of the operators on our line to the Denver Community Chest, a Charitable Institution, for the benefit of the different Chest Agencies and the Chest Building. These cars will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Co., Denver.

THE PUBLIC UTILITIES COMMISSION
FILED
AUG-7 1945
THE STATE OF COLORADO

We shall be pleased to haul these cars of coal free of charge on account of charity from the mine at Pinnacle, Colo. to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner

H

(Decision No. 24821)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. G. TOWNS, 924 NORTH SEVENTH ST., GRAND JUNCTION, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1328 TO TROY B. HAMILTON, ROUTE 4, GRAND JUNCTION, COLORADO.	)	APPLICATION NO. 2864-PP-A

August 10, 1945

S T A T E M E N T

By the Commission:

J. G. Towns, who, pursuant to authority contained in Decision No. 7256, of date February 25, 1936, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> coal from Grand Junction and Palisade coal mining districts to Palisade and Grand Junction; peaches from the Palisade and Grand Junction orchards to the nearest rail shipping point; sheep camp supplies, consisting of feed for sheep and groceries and merchandise for sheep camps, from Grand Junction to said sheep camps in the vicinity of Mack, Colorado, as well as wool from said sheep camps to Grand Junction,

herein seeks authority to transfer said operating rights (Permit No. B-1328) to Troy B. Hamilton, Grand Junction, Colorado.

Inasmuch as the files of the Commission show that said permit is in good standing; that road tax has been paid, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who could be heard in opposition to the transfer of said permit, the Commission has determined to hear, and has heard, said matter, forthwith, without formal

notice, upon the records and files herein.

Findings

The Commission Finds:

That the authority sought to transfer Permit No. B-1328 should be granted, and that ton-mile tax deposit be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That J. G. Towns, Grand Junction, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-1328 to Troy B. Hamilton, Grand Junction, Colorado.

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

This order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit be transferred to account of transferee.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ [illegible]

Marian Epinson

[illegible]

Commissioners

Dated at Denver, Colorado,
this 10th day of August, 1945

JH

(Decision No. 24822)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN V. BOUCHARD, GUNNISON, COLORADO, FOR AUTHORITY TO TRANSFER A PORTION OF P.U.C. NO. 797 TO R. H. PARLIN AND R. A. HICKS, CO-PARTNERS, SARGENTS, COLORADO.	APPLICATION NO. 2091-AAA-A

August 10, 1945

Appearances: John V. Bouchard, Gunnison, Colorado, pro se.

S T A T E M E N T

By the Commission:

Pursuant to Decision No. 24441 of the Commission, of date May 2, 1945, John V. Bouchard acquired P.U.C. No. 797 from L. R. Hicks and H. E. Hicks, doing business as "Gunnison Truck Line."

Under said authority so acquired, he has the right to transport:

> ore to Leadville, Colorado, from points west of the Continental Divide within a radius of twenty-five miles of Sargents, Colorado,

and he herein seeks authority to transfer said operating right to R. H. Parlin and R. A. Hicks, Sargents, Colorado.

At the hearing, in Denver, Colorado, on July 27, 1945, it appeared that the consideration for the transfer is the sum of Three Hundred Dollars ($300.00); that transferees are experienced ore haulers, having been engaged in that business for a period of three years as employees of Callaghan Zinc Company; that, pecuniarily and otherwise, they are qualified to carry on the operation.

Findings

The Commission Finds:

That the authority to transfer that part of said P.U.C. No. 797 which applicant herein seeks to transfer is not contrary to the public interest, and should be allowed.

O R D E R

THE COMMISSION ORDERS:

That John V. Bouchard, Gunnison, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to that portion of P.U.C. No. 797 authorizing the transportation of:

> ore to Leadville, Colorado, from points west of the Continental Divide within a radius of twenty-five miles of Sargents, Colorado,

to R. H. Parlin and R. A. Hicks, Sargents, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferees until changed according to law and the rules and regulations of this Commission.

That John V. Bouchard shall retain the number "P.U.C. 797," a new certificate number to issue to R. H. Parlin and R. A. Hicks.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of August, 1945

JH

(Decision No. 24823)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF AMICK TRANSFER & STORAGE CO., 1029 SOUTH SANTA FE DRIVE, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 332TO EARL J. BURNS, HAROLD D. WRITER, AND GERALD P. PETERS, DOING BUSINESS AS "AMICK TRANSFER & STORAGE CO.," 1029 SOUTH SANTA FE DRIVE, DENVER, COLORADO.

APPLICATION NO. 1288-AA

August 10, 1945.

Appearances: Earl J. Burns, Denver, Colorado, pro se;
Harold D. Writer, Denver, Colorado, pro se;
Gerald P. Peters, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 12867, of date January 14, 1939, Amick Transfer and Storage Company acquired certificate of public convenience and necessity No. 332, granted pursuant to our Decision No. 2156, of date May 3, 1929, which authorized:

> the conduct of the transfer, moving and general cartage business in the City and County of Denver and in the counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the restrictions therein contained.

Said corporation now seeks authority to transfer its operating rights and privileges to Earl J. Burns, Harold D. Writer, and Gerald P. Peters, doing business as "Amick Transfer & Storage Company".

The matter, pursuant to prior setting, was heard in Denver, Colorado, on August 6, 1945, and taken under advisement.

At the hearing, it appeared that Amick Transfer and Storage Company has sold its storage and warehousing business and its certificates of public

convenience and necessity, to Earl J. Burns, Harold D. Writer, and Gerald P. Peters, doing business as "Amick Transfer & Storage Company", for an agreed price of Thirty Thousand Dollars ($30,000.00), they each having contributed $10,000.00 to said amount.

E. H. Ferrin, testifying for applicants, stated that the corporation has been dissolved; that its outstanding obligations had been satisfied; that Exhibit 1, offered at the hearing, and which, by reference, is made a part hereof, is a correct Balance Sheet of transferees, as of date June 15, 1945; that transferees are equal partners, being equally liable for the obligations of the partnership, and entitled to share equally in the profits, if any; that ton-mile tax deposit is to be transferred to the account of transferees.

FINDINGS.

THE COMMISSION FINDS:

That the proposed transfer is in the public interest, and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Amick Transfer & Storage Company, Denver, Colorado, be, and it hereby is, authorized to transfer all its right, title, and interest in and to PUC No. 332 to Earl J. Burns, Harold D. Writer, and Gerald P. Peters, co-partners, doing business as "Amick Transfer & Storage Company", Denver, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

That ton-mile tax deposit of transferor shall be transferred to account of transferees.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of August, 1945.
BH

(Decision No. 24824)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. F. CAIN, ECKLEY, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1503 TO RUSSELL L. SALTER, ECKLEY, COLORADO.

APPLICATION NO. 2699-PP-BA-AA

August 10, 1945

S T A T E M E N T

By the Commission:

W. F. Cain, who, pursuant to authority contained in Decision No. 6996, as amended by Decision No. 9848 (Permit No. B-1503) is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> livestock, grain, feed, farm supplies, including household furniture, farm machinery, and coal, from point to point within the area described as 20 miles south, 25 miles north, 8 miles east, and 7 miles west of Eckley, Colorado; livestock from and to points in said area, to and from sales yards in Yuma and Wray; grain between points in said area around Eckley and the Towns of Yuma, Wray, and Paoli,

herein seeks authority to transfer said operating rights to Russell L. Salter, Eckley, Colorado.

Consideration for transfer of equipment, Permit A-647 and this permit is $2200.00, payable $1500.00 cash, balance in monthly payments. Price for equipment is ceiling.

Inasmuch as the files of the Commission show that said permit is in good standing; that road tax has been paid, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who could be heard in opposition to the transfer of said permit, the Commission has determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

Findings

The Commission Finds:

That the authority sought to transfer Permit No. B-1503 should be granted, and that ton-mile tax deposit be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That W. F. Cain, Eckley, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1503 to Russell L. Salter, Eckley, Colorado.

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

This order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit of transferor be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ [illegible]

[illegible]

[illegible]

Commissioners

Dated at Denver, Colorado,
this 10th day of August, 1945

JH

(Decision No. 24825)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
H. C. STEPHENSON, WRAY, COLORADO,) APPLICATION NO. 3274-PP-BA
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-1583 TO A. C. YENTER, WRAY, COLORADO.)

August 10, 1945.

S T A T E M E N T

By the Commission:

H. C. Stephenson, doing business as "Stephenson Produce Company," Wray, Colorado, by Decision No. 8049, of date July 21, 1936, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, in irregular service, for the transportation of:

> mill feeds and flour from Berthoud, Colorado, and potatoes, grain and fruit from farms in the Denver-Loveland-Greeley District to Wray, Colorado, for customers residing at Wray; provided, however, that the applicant will not engage in any transportation service of a competitive character between points along the line of scheduled common carriers then serving Wray.

He now seeks authority to transfer said permit to A. C. Yenter, Wray, Colorado.

Inasmuch as the files of the Commission show that said permit is in good standing; that road tax has been paid, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who could be heard in opposition to the transfer of said permit, the Commission has determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

Findings.

THE COMMISSION FINDS:

That the authority sought to transfer Permit No. B-1583 should be

granted; that ton-mile tax deposit of transferor should be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That H. C. Stephenson, doing business as "Stephenson Produce Company," Wray, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-1583 to A. C. Yenter, Wray, Colorado.

That ton-mile tax deposit of transferor shall be transferred to account of transferee.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of August, 1945.

BH

(Decision No. 24826)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF C. HOBSON DUNN, 1801 MERCANTILE BANK BUILDING, DALLAS, TEXAS, FOR REINSTATEMENT OF PUC NO. 1299-I, AND FOR AUTHORITY TO TRANSFER SAID OPERATING RIGHTS TO C. HOBSON DUNN, ERNEST C. DUNN, AND ELLIS E. DUNN, 1901 MERCANTILE BANK BLDG., DALLAS, TEXAS.

PUC NO. 1299-I

August 9, 1945.

S T A T E M E N T

By the Commission:

Heretofore C. Hobson Dunn, Dallas, Texas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire in interstate commerce, and PUC No. 1299-I issued to him.

Thereafter, said operating rights were cancelled and revoked for failure of certificate-holder to keep on file effective insurance. (Case No. 33808-Ins.).

Said C. Hobson Dunn now asks that said certificate be reinstated, and that he be authorized to transfer the same to C. Hobson Dunn, Ernest C. Dunn and Ellis E. Dunn, Dallas, Texas.

The records and files of the Commission fail to disclose any reason why said requests should not be granted, effective insurance now being on file with the Commission.

After careful consideration of the record, the Commission is of the opinion, and finds, that said certificate should be reinstated and transferred, as requested.

O R D E R

IT IS ORDERED:

That PUC No. 1299-I be, and the same hereby is, reinstated.

That C. Hobson Dunn be, and he hereby is, authorized to transfer all his right, title, and interest in said PUC No. 1299-I to C. Hobson Dunn, Ernest C. Dunn, and Ellis E. Dunn, Dallas, Texas, subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1945.

BH

(Decision No. 24827)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. F. CAIN, ECKLEY, COLORADO, FOR) APPLICATION NO. 4530-PP-AAA-A
AUTHORITY TO TRANSFER PERMIT NO. A-647)
TO RUSSELL L. SALTER, ECKLEY, COLO.)

August 11, 1945

S T A T E M E N T

By the Commission:

Heretofore, W. F. Cain, Eckley, Colorado, was authorized to operate as a private carrier by motor vehicle for hire for the transportation of:

> freight between Denver and Holyoke and intermediate points via U. S. 38 - 6 to Greeley and U. S. 85 to Denver, or via short cut Colo. 81, and between Holyoke and Idalia and intermediate points via Colo. 51, and between Colorado-Kansas line and Denver via Colo. 54 and U. S. 85, or short cut via Colo. 81 and between Idalia and Denver and intermediate points via U. S. 36 and U. S. 40.

Said permitee now seeks authority to transfer said operating rights (Permit No. A-647) to Russell L. Salter, Eckley, Colorado.

Consideration for transfer of equipment, Permit B-1503 and this permit is $2200.00, payable $500.00 cash, balance in monthly payments; price for equipment is ceiling.

Inasmuch as the files of the Commission show that said permit is in good standing; that road tax has been paid, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who could be heard in opposition to the transfer of said permit, the Commission has determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

Findings

The Commission Finds:

That the authority sought to transfer Permit No. A-647 should be granted, and that ton-mile tax deposit be transferred to account of transferee.

ORDER

THE COMMISSION ORDERS:

That W. F. Cain, Eckley, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-647 to Russell L. Salter, Eckley, Colorado.

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

That ton-mile tax deposit of transferor be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of August, 1945

JH

(Decision No. 24828)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOUIS BENDETTI, SILT, COLORADO, FOR)
AUTHORITY TO TRANSFER P.U.C. NO. 1238) APPLICATION NO. 3926-AA
TO NATHAN A. SPARKS, SILT, COLORADO.)

August 11, 1945

S T A T E M E N T

By the Commission:

Heretofore, by authority contained in Decision No. 20564, Louis Bendetti acquired the operating rights granted to John Cozza by Decision No. 21231, as amended by Decision No. 12271, authorizing the transportation, in irregular service, of:

> farm products (including livestock) farm machinery and other farm supplies (including farm house furniture), native lumber, and oil well machinery and equipment from point to point within the area extending from Silt north to the Divide between Meeker and Silt, south twenty miles (and including the Divide Creek territory), west to a point three miles east of Rifle, and east to a point three miles east of New Castle.

Said certificate-holder now seeks authority to transfer said operating rights (P.U.C. No. 1238) to Nathan A. Sparks, Silt, Colorado.

Inasmuch as the files of the Commission show that said certificate is in good standing; that road tax has been paid; that there are no outstanding unpaid accounts against the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who could be heard in opposition to the transfer of said certificate, the Commission has determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F i n d i n g s

The Commission Finds:

That the authority sought to transfer P.U.C. No. 1238 should be granted, and that ton-mile tax deposit be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That Louis Bendetti, Silt, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to P.U.C. No. 1238 to Nathan A. Sparks, Silt, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

That ton-mile tax deposit of transferor shall be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of August, 1945

JH

(Decision No. 24829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
J. H. HUGHES, WINTER PARK, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 7014-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

August 13, 1945.

Appearances: J. H. Hughes, Winter Park, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was heard pursuant to prior setting at Denver, Colorado, on July 27, 1945, and taken under advisement.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of logs and sawmill products between points within a a radius of fifty miles of Winter Park, Colorado.

At the hearing, it appeared that he has one International flat bed truck; that, primarily, he desires to haul legs over mountain trails and roads from timber camps in the National Forest to sawmills at Winter Park and such other places as customers may require; that said logs are processed at said mills and, ordinarily, the products thereof move by rail to consuming points; that, on rare occasions, customer must move a load of lumber to some point where it is immediately required to continue with, or complete, a construction job; that his customer wants him to be in a position to handle such movement, if necessary; that persons regularly engaged in the transportation of freight on call and demand or line-haul service have not furnished the service required; that apparently they do not desire so to do - probably because they do not have in their employ men who are familiar with logging operations and who have the necessary knowledge of such operations to handle the business adequately; that such

carriers, if conveniently available, could handle movement of loads of lumber, if such service is required, from the mill to some consuming points; that operator has not found it practical to use such service, and has not been able to obtain it readily or quickly.

Grand County Transportation Company, by letter and formal motion, filed July 25, 1945, asked that said hearing be continued. The motion was denied, due to the distance that applicant must travel in order to reach Denver for the hearing, and inability to notify him of postponement in the event that a continuance had been granted.

Upon the record made, it would seem that no useful purpose would be served by setting said matter for further hearing. The Commission has heard similar applications in the past, and has granted the authority over the objection of Grand County Transportation Company because it has not appeared that the company has authority to furnish adequate service for timber camps. The movement of lumber from the mill to other points is infrequent. Whenever, possible, the Company prefers to ship by rail. It is only in emergencies that such service is required, and in emergencies, it is not convenient to wait until such time as a truck can be obtained from Kremmling.

Findings

The Commission Finds:

That the proposed operation will not impair the efficiency of any adequate motor vehicle common carrier service in the territory; that the permit sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That J. H. Hughes, Winter Park, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of logs and sawmill products between points within a radius of fifty miles of Winter Park, Colorado.

All operations hereunder shall be strictly contract operations,

the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1945.

BH

(Decision No. 24830)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF E. A. GREEN, JR., AND CALVIN GREEN, R. R. 2, ALAMOSA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6980-PP Supplemental Order.

August 11, 1945.

Appearances: C. H. Allen, Esq., Alamosa, Colorado, for applicant;
A. J. Dregeau, Denver, Colorado, for Spicher Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Conour and Conour, Attorneys, Del Norte, Colorado, for James E. Ashton, Fred Gibson and Vance Transfer.

S T A T E M E N T

By the Commission:

On July 24, 1945, by Decision No. 24762 the Commission authorized E. A. Green, Jr., and Calvin Green, doing business as E. A. Green and Son, of Alamosa, Colorado, to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock, etc., as set forth in said order.

It now appears that the order contained in said Decision No. 24762 does not conform to the stipulation entered into by applicants and protestants at the hearing in Alamosa, in that applicants agreed to a limitation on their equipment to one unit, a semi-trailer.

Findings

The Commission Finds:

That Decision No. 24762, of date July 24, 1945, should be amended as hereinafter set forth.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 24762, dated July 24, 1945, be, and hereby is, amended by adding the following:

> Applicant shall be limited to the use of one unit, a semi-trailer, under this permit,

following line 10 of the first paragraph of the order, so that first paragraph shall read as follows:

> That E. A. Green, Jr., and Calvin Green, Route 2, Alamosa, Colorado, doing business as E. A. Green and Son, be, and they hereby are authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of livestock, grain and farm products from point to point within the area situated in Alamosa and Rio Grande Counties, bounded as follows: On the east by U. S. Highway 285; on the south by the Henry Road (or the road running from the Henry School west); on the west by the South Gunbarrel Road, and on the north by Consumers Filling Station Road (or the road running west from the Consumers Filling Station); and the transportation of livestock from said area to Alamosa, Pueblo, and Denver, Colorado, applicants, however, to be limited to the use of one unit, a semi-trailer, under this permit.

That except as herein amended, said Decision No. 24762 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of August, 1945.

BH

(Decision No. 24831)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY ON ONE CARLOAD OF COAL FROM MT. HARRIS, COLORADO, TO THE TABERNACLE COMMUNITY CHURCH, DENVER, COLO.	)	MISCELLANEOUS DOCKET NO. 209

August 11, 1945

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated August 8, 1945, requesting authority to transport one carload of coal from Mt. Harris, Colorado, to Denver, Colorado, free of charge, on account of charity.

The shipment in question has been donated by one of the operators on the line of The Denver and Salt Lake Railway Company for use of the Tabernacle Community Church, a charitable institution, and is to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

O R D E R

IT IS ORDERED:

That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Mt. Harris,

Colorado, consigned to the Tabernacle Community Church, 20th and Lawrence Streets, Denver, Colorado, in care of the Colorado & Utah Coal Company, Denver, Colorado.

That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of August, 1945

JH

FORM 1801

24831

THE DENVER AND SALT LAKE RAILWAY CO.

822 DENVER NATIONAL BUILDING
ZONE 2
DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

F. H. BOOTH
ASST. TO TRAFFIC MANAGER

6
Misc. Docket 209
Decision No. 24831
8/11

August 8, 1945

File: 35-2



The Public Utilities Commission,
of the State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

A carload of coal has been donated by one of the operators on our line to the Tabernacle Community Church, 20th and Lawrence Streets, Denver, a charitable institution. This car will be consigned to the Tabernacle Community Church in care of the Colorado & Utah Coal Co.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mine at Mt. Harris, Colorado to Denver, and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner

H

(Decision No. 24832)

B-1325

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
VERN SCHNEPF, BOX 16, WALDEN, COLO-)
RADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 7048-PP
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

August 15, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation of logs, lumber, and railroad ties, over Colorado Highway No. 14, Spicer to Walden, over Colorado Highway No. 14 and county road, Coalmont to Walden, and over Colorado Highway No. 125, Camp Creek to Walden.

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

Findings.

The Commission Finds:

That the authority sought should be granted, said permit when issued, to bear the number "B-1325," being the number of a permit formerly held by applicant.

O R D E R

THE COMMISSION ORDERS:

That Vern Schnepf, Walden, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the

transportation of logs, lumber, and railroad ties, over Colorado Highway No. 14, Spicer to Walden, over Colorado Highway No. 14 and county road, Coalmont to Walden, and over Colorado Highway No. 125, camp Creek to Walden.

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

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

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

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

That permit shall bear the number "B-1325".

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1945.

BH

(Decision No. 24833)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF CARL W. VETTER, BENNETT, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-586 TO DAVID SMALL, BENNETT, COLORADO.	APPLICATION NO. 5293-PP-ABAAA

August 15, 1945.

Appearances: T. A. Stockton, Jr., Esq., and Marion F. Jones, Esq., Denver, Colorado, for applicant.

STATEMENT

By the Commission:

Pursuant to Decision No. 22563, dated August 19, 1944, Carl W. Vetter acquired Permit No. A-586, which authorized the transportation of milk to Denver from the area described as:

> Commencing at the southeast corner of Section 35, Township 6 South, Range 61 West; thence west 23 miles to the southwest corner of Section 31, Township 6 South, Range 64 West; thence north 4 miles; thence west 3 miles; thence north 7 miles; thence west 1 mile; thence north 3 miles to the northwest corner of Section 28, Township 4 South, Range 65 West; thence east 15 miles to the northwest corner of Section 25, Township 4 South, Range 63 West; thence north 6 miles to the northwest corner of Section 25, Township 3 South, Range 63 West; thence east 12 miles to the northeast corner of Section 26, Township 3 South, Range 61 West; thence south 20 miles to the point of beginning.

The instant application seeks authority to transfer said Permit A-586 to David Small, of Bennett, Colorado.

At the hearing held in Denver, Colorado, on July 18, 1945, it appeared that the consideration for the transfer is the sum of $1650.00, of which amount $1,000.00 has been paid in cash, and the balance of $650.00 is to be paid on approval of the transfer by the Commission.

It further developed at the hearing that transferor is indebted to Fox Used Auto & Parts Company in the sum of $26.52, and the Kiowa Valley Oil and Grocery Company in the sum of $45.07. Transferee agrees to see that the above bills are paid out of the balance due transferor.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that the transfer should be authorized, subject, however, to payment of $26.52 to Fox Used Auto & Parts Company, of 1234 Larimer Street, Denver, and $45.07 to Kiowa Valley Oil and Grovery Company of Bennett, Colorado, by either transferor or transferee, and this assignment shall not be effective until said indebtedness has been paid, and with the proviso that said Small, in conducting operations under said permit, shall not directly or indirectly combine them with his common carrier operations under PUC No. 559.

O R D E R

IT IS ORDERED:

That Carl W. Vetter, of Bennett, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-586 to David Small, of Bennett, Colorado; provided, however, that said transfer shall not become effective until the indebtedness of transferor in the amount of $26.52 to Fox Used Auto & Parts Company, and $45.07 to Kiowa Valley Oil and Grocery Company, has been settled.

That said Small shall not, directly or indirectly, combine his operations as a private carrier under this permit with his operations as a common carrier under PUC No. 559, that is, that at the same time with the same equipment he shall not operate as a common carrier and private carrier.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1945.

BH

(Decision No. 24834)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PHAL PAUL, YODER, COLORADO, FOR EXTENSION OF PERMIT B-3083 TO INCLUDE THE TRANSPORTATION OF USED FARM MACHINERY, EQUIPMENT AND SUPPLIES, BUILDING MATERIALS, POSTS, AND FENCING WITHIN THE AREA OF OPERATIONS NOW AUTHORIZED UNDER SAID PERMIT.

APPLICATION NO. 6547-PP-B

August 15, 1945

Appearances: Fillmore S. Gibson, Esq., Mining Exchange Bldg., Colorado Springs, Colorado, for applicant;
Myron H. Burnett, Esq., Denver, Colorado, for the Common Carrier Division of the Colorado Motor Carriers Association, G. Barnhill, and W. R. Book.

S T A T E M E N T

By the Commission:

Applicant herein, who heretofore was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products and livestock between points in that part of the area within a 15-mile radius of Edison which is about 20 miles south of State Highway No. 94 on State Highway 213, and from and to points in said area to and from Denver, Colorado Springs, and Pueblo, provided that in conducting said operation, applicant is limited to the use of two 1 1/2-ton trucks, without the right to add to the number of trucks used in his service except upon order of the Commission had and obtained after notice and hearing.

On February 10, 1945, applicant filed his application for an extension of his permit to include the transportation of used farm machinery, equipment and supplies, building material, posts and fencing, within the area of operations now authorized under said permit.

The matter was set for hearing, and heard, in Colorado Springs, Colorado, on March 28, 1945, and taken under advisement.

At the hearing, it developed that applicant has many requests from his customers (numbering 125 listed) to haul cattle, corn and beans, and on his return trip to haul a few boards, posts and fencing. He stated that on a number of occasions, while hauling livestock and farm produce to market, he took his customer with him, and while in Denver, Colorado Springs, or Pueblo, the farmer would purchase fencing or machinery needed on his farm and insist that he haul it back, or would request him to purchase and bring back farm machinery, etc.; that his customers lived in a sparsely settled section with no telephones or equipment to deliver machinery or building materials to their homes; that common carrier service is difficult to obtain, due to distance and inadequate telephone service. He further stated that he did not believe that common carriers were giving the people in his territory a full and adequate service; that if they could and would haul the cattle and farm products to market, which must movecby "for hire" trucks, he would gladly discontinue his service, but if he hauls cattle, etc. to market, thinks farmer should have advantage of his return service.

W. R. Book, of Rush, Colorado, who operates P.U.C. No. 420, and who has authority to transport freight between points within an area extending 15 miles north, 35 miles south, 10 miles east, and 30 miles west, of Rush, Colorado, and from and to points in said area to and from points in the State of Colorado, with certain restrictions, stated that he operated a common carrier service with authority in this area; that he had a place of business near Paul's home, but does not maintain trucks there; that the continued existence of his operation depended upon his back-haul; that his one truck has not been busy during spring, and he made many trips only half-loaded on his weekly trip into this area.

It appears to the Commission that it did not appear that the efficiency of common carrier operations would be impaired, or that the common carrier service is adequate for the customers of applicant. No doubt there has been some let-up in business during spring, but busy season is coming on. In a sparsely settled territory, without good roads, expeditious mail service or telephones, and a long distance from shipping centers, it is difficult for them to get necessary farm repairs, machinery, etc., which often are needed at once, and a few days delay is very expensive and works a decided hardship on farmers and residents of the area. This is especially true at this time when the farm automobile is worn out and replacements are difficult if not impossible to get.

The Commission has in mind that common carrier service is entitled to protection, but where that service is not adequate, additional authority should be granted, especially during this emergency period, when transportation is so vital in our lives, and trucks and men cannot be obtained by common carriers to satisfy demands for service.

After careful consideration of the record, the Commission is of the opinion, and finds, that the extension asked for, as limited, should be granted.

O R D E R

IT IS ORDERED:

That Phay Paul, of Yoder, Colorado, should be, and he hereby is, authorized to extend his operations under Permit B-3083 to include the transportation of used farm machinery, building materials, posts, and fencing, within the area of operations now authorized under said permit and from and to points in said area, to and from Denver, Colorado Springs and Pueblo, with no service between towns, all said authority hereby granted to be for the duration of the National Emergency and not to extend beyond February 1, 1946, unless ordered by the Commission.

Jurisdiction of the instant matter is hereby retained to the end that such further order or orders may be entered as deemed necessary.

This order is made a part of the permit granted to applicant, and shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of August, 1945

jh

(Decision No. 24835)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF GEORGE WOLFE, 935 WEST FIRST, FLORENCE, COLORADO, FOR AUTHORITY TO EXTEND HIS OPERATIONS.	))))	PERMITS NOS. B-1846 B-1846-I

August 15, 1945.

S T A T E M E N T

By the Commission:

Heretofore, George Wolfe, Florence, Colorado, was authorized to operate as a private carrier by motor vehicle for hire in both interstate and intrastate commerce, and Permits Nos. B-1846 and B-1846-I issued to him, interstate operations being subject to the provisions of the Federal Motor Carrier Act of 1935.

Said permit-holder now seeks authority to extend his operations under said permits to include the right to transport sand, gravel and slag from point to point within a radius of forty miles of Florence, Colorado, on State and County Highways.

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

Findings.

The Commission Finds:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That George Wolfe, Florence, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-1846 to include the right to transport

sand, gravel, and slag from point to point within a radius of forty miles of Florence, Colorado, on State and County Highways.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1945.

BH

(Decision No. 24836)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM J. TRAYNOR, MT. MORRISON,) CASE NO. 33851-Ins.
COLORADO, PERMIT NO. C-15808.)

August 15, 1945.

S T A T E M E N T

By the Commission:

On June 18, 1945, by Decision 33851-Ins., Permit No. C-15808 was revoked and cancelled for failure to keep on file effective insurance.

It appears from the correspondence and files that proper insurance is now in effect and properly filed.

After careful consideration of the record and files, the Commission is of the opinion, and finds, that our Decision No. 33851-Ins., should be cancelled and set aside, and said Permit C-15808 be restored to its former status.

O R D E R

IT IS ORDERED:

That our Decision No. 33851-Ins., be, and it hereby is, set aside and cancelled, and said Permit No. C-15808 be restored to its former status, effective June 18, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1945.

BH

(Decision No. 24837)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF FRED W. SCHULTZ AND CHARLES W. CARLSON, DOING BUSINESS AS DENVER-PUEBLO TRUCK LINES, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-607 TO FRED W. SCHULTZ, DOING BUSINESS AS DENVER PUEBLO TRUCK LINES, 1940 BLAKE STREET, DENVER, COLORADO.	APPLICATION NO. 2221-PP-AAA-AAA-A

August 15, 1945.

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for applicants;
E. B. Evans, Esq., Denver, Colorado, for the Commission;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

STATEMENT

By the Commission:

Fred W. Schultz and Charles W. Carlson, doing business as Denver-Pueblo Truck Lines, are the owners of Permit No. A-607, which authorizes the transportation of freight,-

> Between Denver and Colorado Springs, Pueblo, Fowler, Rocky Ford, Swink, La Junta, Las Animas, Lamar, Springfield, Walsenburg and Trinidad, and from Pueblo, to Colorado Springs, Denver, Fowler, Rocky Ford, Swink, La Junta, Las Animas, Lamar, Springfield, Walsenburg and Trinidad, and from Lamar to Holly and intermediate points.

The instant application seeks authority to transfer said permit to Fred W. Schultz, doing business as Denver-Pueblo Truck Lines.

At the hearing in Denver, Colorado, on July 18, 1945, it appeared that transferors have done business under a contract of partnership, under which they were equal partners and to share equally in the assets and liabilities of said partnership; that applicant transferee, Fred W. Schultz, has purchased the

interest of his partner, Charles W. Carlson, for the sum of Three Thousand Dollars ($3,000.00); that applicant transferor, Charles W. Carlson, now seeks authority to transfer his interest in said permit to the said Fred W. Schultz.

It was further disclosed at the hearing that the unpaid creditors of Ed J. Knott (See Decisions numbered 22482 and 22821) have been paid in full except two claims totaling $234.74, which are in escrow, and E. B. Evans, attorney for the Public Utilities Commission, Trustee, has sufficient funds now on hand to take care of same.

It further appears that there are no further outstanding obligations against said permit except some road tax, which transferee agrees to pay; that the ton-mile tax deposit is to be transferred to account of transferee.

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

The matter was taken under advisement.

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

O R D E R

THE COMMISSION ORDERS:

That Charles W. Carlson be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit A-607 to Fred W. Schultz, doing business as Denver-Pueblo Truck Lines.

That ton-mile tax deposit shall be transferred to account of transferee.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1945.
BH

(Decision No. 24838)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE TRINIDAD ELECTRIC TRANSMISSION, RAILWAY AND GAS COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6983

August 15, 1945

Appearances: Lee, Shaw, and McCreery, Esqs., Denver, Colorado,
William Bryans III, Esq., Denver, Colorado, and
J. W. Hawley, Esq., Trinidad, Colorado, for applicant;
Ralph T. Hunter, Esq., Trinidad, Colorado, for La Veta Light and Power Company.

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 the exercise by applicant of certain franchise rights granted by the City Council of the City of Trinidad, Colorado, in and by Ordinance No. 548.

The matter, pursuant to prior setting, was heard in Trinidad, Colorado, on July 6, 1945, and taken under advisement.

It there appeared that on the 26th day of January, 1925, there was finally passed by the City Council of the City of Trinidad, and approved by the Mayor of the City of Trinidad, said Ordinance No. 548, granting to The Trinidad Electric Transmission, Railway and Gas Company, a corporation, its successors, and assigns, a franchise, granting:

> "THE RIGHT, PRIVILEGE, AND LICENSE TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN IN THE CITY OF TRINIDAD, COLORADO, AN ELECTRIC LIGHT, POWER AND MANUFACTURING PLANT OR SYSTEM AS THE SAME IS NOW OR MAY HEREAFTER BE CONSTRUCTED, TOGETHER WITH A RIGHT OF WAY FOR POLES, WIRES, BUILDINGS, AND OTHER EQUIPMENT NECESSARY FOR THE DELIVERING OF ELECTRIC SERVICE AND ENERGY FOR LIGHT, HEAT, AND POWER AND FOR OTHER PURPOSES TO THE CITY IN ITS MUNICIPAL CAPACITY AND TO THE INHABITANTS OF THE CITY OF TRINIDAD AND THE VICINITY THEREOF FOR THE PERIOD OF TWENTY-FIVE YEARS."

Said applicant duly approved and formally accepted said franchise on January 26, 1925.

It appeared that, through inadvertence, said The Trinidad Electric Transmission, Railway and Gas Company, did not apply to this Commission for a certificate of public convenience and necessity to exercise franchise rights until the instant application was filed; that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, and doing business as a public utility; that its principal office and place of business is in the City of Trinidad, Las Animas County, Colorado; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electrical energy and transporting such enrgy, by means of transmission and distribution lines, for sale directly to consumers or wholesalers for heat, light, power, and other purposes; that it maintains generating plants at Walsenburg, Colorado, Trinidad, Colorado, and Dawson, New Mexico, all said plants feeding energy into its lines which extend between said points; that no other utility heretofore has been, or is now serving the City of Trinidad, which has a population of approximately 13,223 persons, and which, for a long period of time, has been supplied with electricity for illuminating, heating, power, and other purposes by the generating plants and electrical system of applicant.

According to Exhibit No. 2 offered at the hearing, applicant's Balance Sheet, as of May 1, 1945, shows liabilities of $6,882,709.10, covering its operations in Colorado and New Mexico.

It appeared that the actual investment of applicant in its electrical system in the City of Trinidad is approximately $1,500,000.00. While this figure can be accepted by the Commission for the purpose of determining fee for issuance of certificate of public convenience and necessity herein, such acceptance will not preclude the Commission from

adopting a different value, should the question of valuation arise in a rate hearing, or any subsequent proceeding where valuation may be an issue.

No objection to the application has been filed or made, and no one appeared in opposition thereto.

Findings

The Commission Finds:

That public convenience and necessity require the exercise by applicant of franchise rights granted to it by the City Council of the City of Trinidad, Colorado, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the City Council of the City of Trinidad, Colorado, by Ordinance No. 548, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colo.,
this 15th day of August,
1945.

JH

Commissioners

Original

(Decision No. 24839)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE TRINIDAD ELECTRIC TRANSMISSION, RAILWAY AND GAS COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6984

August 15, 1945

Appearances: Lee, Shaw, and McCreery, Esqs., Denver, Colorado, William Bryans III, Esq., Denver, Colorado, and J. W. Hawley, Esq., Trinidad, Colorado, for applicant; Ralph T. Hunter, Esq., Trinidad, Colorado, for La Veta Light and Power Company.

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 the exercise by applicant of certain franchise rights granted by the City Council of the City of Trinidad in and by Ordinance No. 594 on the 24th day of June, 1929.

The matter, pursuant to prior setting, was heard in Trinidad, Colorado, on July 6, 1945, and taken under advisement.

It there appeared that on the said 24th day of June, 1929, there was finally passed by the City Council of the City of Trinidad, and approved by its Mayor, said Ordinance No. 594, granting to the applicant, its successors, and assigns, a franchise, granting:

> "THE RIGHT, PRIVILEGE AND LICENSE TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN IN THE CITY OF TRINIDAD, COLORADO, A GAS PLANT AND WORKS AND SYSTEM FOR THE MANUFACTURE AND DISTRIBUTION OF ARTIFICIAL GAS AND/OR FOR THE ACQUISITION OR COLLECTION AND DISTRIBUTION OF NATURAL GAS, TOGETHER WITH A RIGHT OF WAY FOR PIPES, CONDUITS, MAINS AND OTHER EQUIPMENT NECESSARY FOR THE DELIVERY OF GAS TO THE CITY OF TRINIDAD IN ITS MUNICIPAL CAPACITY AND TO THE INHABITANTS OF THE CITY OF TRINIDAD AND THE VICINITY THEREOF FOR A PERIOD OF TWENTY-FIVE YEARS."

The evidence further disclosed that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, and doing business as a public utility; that its principal office and place of business is in the City of Trinidad in said State; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electric energy, and transporting such energy by means of transmission and distribution lines for sale for heat, light, power, and other purposes directly to consumers or wholesalers, and to erect, construct, operate and maintain a gas plant, or plants, and works and system for the manufacture, distribution, and sale of artificial gas and the acquisition or collection and distribution of natural gas for heat, light, power, and other purposes directly to consumers or wholesalers, and such other rights and business as may be natural or necessary to effect its objects.

Said applicant duly approved and formally accepted said franchise on June 24, 1929.

It appeared that the actual investment of applicant in its gas system in the City of Trinidad is approximately $300,000.00. While this figure can be accepted by the Commission for the purpose of determining fee for issuance of certificate of public convenience and necessity herein, such acceptance will not preclude the Commission from adopting a different value, should the question of valuation arise in a rate hearing, or any subsequent proceeding where valuation may be an issue.

No objection to the application has been filed or made, and no one appeared in opposition thereto.

Findings

The Commission Finds:

That public convenience and necessity require the exercise by applicant of franchise rights granted to it by the City Council of the City of Trinidad, Colorado by Ordinance No. 594, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the City Council of the City of Trinidad, Colorado, by Ordinance No. 594, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Cla sification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of August, 1945

JH

(Decision No. 24840)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE TRINIDAD ELECTRIC TRANSMISSION, RAILWAY AND GAS COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 6985

August 15, 1945

Appearances: Lee, Shaw, and McCreery, Esqs., Denver, Colorado, William Bryans III, Esq., Denver, Colorado, and J. W. Hawley, Esq., Trinidad, Colorado, for applicant; Ralph T. Hunter, Esq., Trinidad, Colorado, for La Veta Light and Power Company.

STATEMENT

By the Commission:

This is an application for a certificate of public convenience and necessity, authorizing the exercise by applicant of certain franchise rights granted by the City Council of the City of Walsenburg, Colorado, in and by Ordinance No. 277.

The matter, pursuant to prior setting, was heard in Trinidad, Colorado, on July 6, 1945, and taken under advisement.

It there appeared that on the 5th day of December, 1928, there was finally passed by the City Council of the City of Walsenburg, and approved by the Mayor of the City of Walsenburg, said Ordinance No. 277, granting to The Trinidad Electric Transmission, Railway and Gas Company, a corporation, its successors, and assigns, a franchise, granting:

"THE RIGHT, PRIVILEGE, AND LICENSE TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN IN THE CITY OF WALSENBURG, COLORADO, AN ELECTRIC PLANT AND SYSTEM FOR THE MANUFACTURE, GENERATION, DISTRIBUTION AND SALE OF ELECTRICITY, AS THE SAME IS NOW OR MAY HEREAFTER BE CONSTRUCTED, TOGETHER WITH A RIGHT OF WAY FOR POLES, WIRES, BUILDINGS, AND OTHER EQUIPMENT NECESSARY FOR THE DELIVERY OF ELECTRICITY FOR LIGHT, HEAT AND POWER AND FOR OTHER PURPOSES TO THE CITY OF WALSENBURG IN ITS MUNICIPAL CAPACITY AND TO THE INHABITANTS OF THE CITY OF WALSENBURG AND THE VICINITY THEREOF FOR THE PERIOD OF TWENTY-FIVE YEARS."

Said applicant duly approved and formally accepted said franchise on December 5, 1928.

It appeared that, through inadvertence, said The Trinidad Electric Transmission, Railway and Gas Company, did not apply to this Commission for a certificate of public convenience and necessity to exercise franchise rights until the instant application was filed; that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, and doing business as a public utility; that its principal office and place of business is in the City of Trinidad, Las Animas County, Colorado; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electrical energy and transporting such energy, by means of transmission and distribution lines, for sale directly to consumers or wholesalers for heat, light, power, and other purposes; that it maintains generating plants at Walsenburg, Colorado, Trinidad, Colorado, and Dawson, New Mexico, all said plants feeding energy into its lines which extend between said points; that no other utility heretofore has been, or is now serving the City of Walsenburg, which has a population of approximately 5,855 persons, and which, for a long period of time, has been supplied with electricity for illuminating, heating, power, and other purposes by the generating plants and electrical system of applicant.

According to exhibit offered at the hearing, applicant's Balance Sheet, as of May 1, 1945, shows liabilities of $6,882,709.10, covering its operations in Colorado and New Mexico.

It appeared that the actual investment of applicant in its electrical system in the City of Walsenburg is approximately $750,000.00. While this figure can be accepted by the Commission for the purpose of determining fee for issuance of certificate of public convenience and necessity herein, such acceptance will not preclude the Commission from adopting a different value, should the question of valuation arise in a rate hearing, or any subsequent proceeding where valuation may be an issue.

No objection to the application has been filed or made, and to one appeared in opposition thereto.

Findings

The Commission Finds:

That public convenience and necessity require the exercise by applicant of franchise rights granted to it by the City Council of the City of Walsenburg, Colorado, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the City Council of the City of Walsenburg, Colorado, by Ordinance No. 277, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of August, 1945

JH

Original

(Decision No. 24841)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE TRINIDAD ELECTRIC TRANSMISSION, RAILWAY AND GAS COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 6986

August 15, 1945

Appearances: Lee, Shaw, and McCreery, Esqs., Denver, Colorado,
William Bryans III, Esq., Denver, Colorado, and
J. W. Hawley, Esq., Trinidad, Colorado, for applicant;
Ralph T. Hunter, Esq., Trinidad, Colorado, for La Veta Light and Power Company.

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 the exercise by applicant of certain franchise rights granted by the Board of Trustees of the Town of Aguilar, Colorado, in and by Ordinance No. 122.

The matter, pursuant to prior setting, was heard in Trinidad, Colorado, on July 6, 1945, and taken under advisement.

It there appeared that on the 9th day of June, 1924, there was finally passed by the Board of Trustees, and approved by the Mayor of the Town of Aguilar, said Ordinance No. 122, granting to The Aguilar Light and Power Company, a corporation, its successors, and assigns, a franchise, granting:

> "THE RIGHT TO MAINTAIN AND OPERATE AN ELECTRIC LIGHT HEAT AND POWER PLANT AND SYSTEM IN THE TOWN OF AGUILAR, COLORADO AND TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN ALL NECESSARY BUILDING, MACHINERY, POWER PLANTS AND OTHER WORKS FOR THE GENERATION, DEVELOPMENT, PURCHASE AND STORAGE OF ELECTRICAL ENERGY AND THE DISTRIBUTION AND SALE OF ELECTRIC LIGHT, POWER AND HEAT FOR ALL PUBLIC AND PRIVATE USES IN SAID TOWN AND IN THE SUBURBS THEREOF AND ADDITION THERETO, REGULATING THE RATES TO BE CHARGED THE CONSUMERS OF LIGHT IN SAID TOWN, PROVIDING FOR THE CONSTRUCTION AND MAINTENANCE OF NOT TO EXCEED FORTY

(40) 'WHITE WAY' POSTS AND LAMPS ALONG MAIN STREETS BETWEEN THE INTERSECTION OF SAID MAIN STREET WITH WEST AVENUE AND THE INTERSECTION OF SAID MAIN STREET WITH A LINE EXTENDED ACROSS THE SAID MAIN STREET AT A POINT 225 FEET MORE OR LESS EAST OF SCHULTZE AVENUE IN SAID TOWN AND ESTABLISHING THE RATES FOR STREET LIGHTING IN SAID TOWN."

The term of said franchise is for a period of twenty-five years from the effective date thereof -- that is, from and after its final passage, approval, and publication, and approval and acceptance by The Aguilar Light and Power Company. Said applicant duly approved and formally accepted said franchise on June 9, 1924.

It further appeared that subsequently, with the approval of the Board of Trustees of said Town of Aguilar, The Trinidad Electric Transmission, Railway and Gas Company, a Colorado corporation, applicant herein, by assignment, acquired the rights of The Aguilar Light and Power Company under said franchise; that, through inadvertence, neither The Aguilar Light and Power Company nor The Trinidad Electric Transmission, Railway and Gas Company, applied to this Commission for a certificate of public convenience and necessity to exercise franchise rights until the instant application was filed; that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, and doing business as a public utility; that its principal office and place of business is in the City of Trinidad, Las Animas County, Colorado; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electrical energy and transporting such energy, by means of transmission and distribution lines, for sale directly to consumers or wholesalers for heat, light, power, and other purposes; that it maintains generating plants at Walsenburg, Colorado, Trinidad, Colorado, and Dawson, New Mexico, all said plants feeding energy into its lines which extend between said points; that no other utility heretofore

(40) 'WHITE WAY' POSTS AND LAMPS ALONG MAIN STREETS BETWEEN THE INTERSECTION OF SAID MAIN STREET WITH WEST AVENUE AND THE INTERSECTION OF SAID MAIN STREET WITH A LINE EXTENDED ACROSS THE SAID MAIN STREET AT A POINT 225 FEET MORE OR LESS EAST OF SCHULTZE AVENUE IN SAID TOWN AND ESTABLISHING THE RATES FOR STREET LIGHTING IN SAID TOWN."

The term of said franchise is for a period of twenty-five years from the effective date thereof -- that is, from and after its final passage, approval, and publication, and approval and acceptance by The Aguilar Light and Power Company. Said applicant duly approved and formally accepted said franchise on June 9, 1924.

It further appeared that subsequently, with the approval of the Board of Trustees of said Town of Aguilar, The Trinidad Electric Transmission, Railway and Gas Company, a Colorado corporation, applicant herein, by assignment, acquired the rights of The Aguilar Light and Power Company under said franchise; that, through inadvertence, neither The Aguilar Light and Power Company nor The Trinidad Electric Transmission, Railway and Gas Company, applied to this Commission for a certificate of public convenience and necessity to exercise franchise rights until the instant application was filed; that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, and doing business as a public utility; that its principal office and place of business is in the City of Trinidad, Las Animas County, Colorado; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electrical energy and transporting such energy, by means of transmission and distribution lines, for sale directly to consumers or wholesalers for heat, light, power, and other purposes; that it maintains generating plants at Walsenburg, Colorado, Trinidad, Colorado, and Dawson, New Mexico, all said plants feeding energy into its lines which extend between said points; that no other utility heretofore

has been, or is now serving the Town of Aguilar, which has a population of approximately 1,397 persons, and which, for a long period of time, has been supplied with electricity for illuminating, heating, power, and other purposes by the generating plants and electrical system of applicant.

According to Exhibit No. 2 offered at the hearing, applicant's Balance Sheet, as of May 1, 1945, shows liabilities of $6,882,709.10, covering its operations in Colorado and New Mexico.

It appeared that the actual investment of applicant in its electrical system in the Town of Aguilar is approximately $100,000.00. While this figure can be accepted by the Commission for the purpose of determining fee for issuance of certificate of public convenience and necessity herein, such acceptance will not preclude the Commission from adopting a different value, should the question of valuation arise in a rate hearing, or any subsequent proceeding where valuation may be an issue.

No objection to the application has been filed or made,, and no one appeared in opposition thereto.

F i n d i n g s

The Commission Finds:

That public convenience and necessity require the exercise by applicant of franchise rights granted to its predecessor in interest by the Town of Aguilar, Colorado, which were duly and regularly assigned to applicant, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the exercise by applicant of the franchise rights granted to The Aguilar Light and Power Company by the Board of Trustees of the Town of Aguilar by

Ordinance No. 122, which rights, by purchase and assignment, have been acquired by applicant, The Trinidad Electric Transmission, Railway and Gas Company, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automaticaly revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of August, 1945

JH

(Decision No. 24842)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF HAROLD WILLIAMS, 1410 WEST COLORADO AVENUE, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CLASS "B" PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	))))))	APPLICATION NO. 7049-PP

August 15, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from Florence, Colorado, and fluorspar from mine on Corley Road, to Colorado Springs, Colorado, all transportation service to be within a fifty-mile radius of Colorado Springs, Colorado.

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

Findings

The Commission Finds:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Harold Williams, Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from Florence, Colorado, and fluorspar from mine on Corley Road, to Colorado Springs, Colorado, all transportation service to be within a fifty-mile radius of Colorado Springs, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1945.

BH

(Decision No. 24843)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF LYLE BOGENHAGEN, OF CHEYENNE WELLS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF FARM GRAINS, MACHINERY, COAL, FENCING REPAIRS, AND GRASS SEEDS, WITHIN A RADIUS OF FIFTY MILES OF CHEYENNE WELLS.	)	APPLICATION NO. 6961-PP

August 15, 1945.

Appearances: Paul G. Zimmerman, Burlington, Colorado, pro se;
Van Goodwin, Flagler, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at the Court House in Burlington, Colorado, on June 5, 1945, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing. Thereupon protestants moved that the application be dismissed for lack of prosecution. The files were ordered made a part of the record and the matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of August, 1945.

BH

(Decision No. 24844)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE M. PYLE, DOING BUSINESS)
AS LINCOLN GARAGE, OF BUENA) PERMIT NO. C-1564
VISTA, COLORADO.)
)

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George M. Pyle doing business as Lincoln Garage of Buena Vista, Colorado, requesting that his Permit No. C-1564 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1564, heretofore issued to George M. Pyle, doing business as Lincoln Garage, be, and the same is hereby, declared cancelled effective July 25, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 18th day of August, 1945

R

(Decision No. 24845)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
BENDETTI BROTHERS, OF SILT,) PERMIT NO. C-1233
COLORADO.)
)
)

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Bendetti Brothers of Silt, Colorado, requesting that his Permit No. C-1233 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1233, heretofore issued to Bendetti Brothers, be, and the same is hereby, declared cancelled effective July 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 18th day of August, 19 45

R

(Decision No. 24846)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK LANDAUER, OF 17 WEST)
13th AVENUE, DENVER, 4, COLO.)
)
)
)

PERMIT NO. C-15899

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Landauer of Denver, 4, Colorado, requesting that his Permit No. C-15899 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15899, heretofore issued to Frank Landauer, be, and the same is hereby, declared cancelled effective August 7, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Malcom Erickson

Ralph C. Hurlbert

Commissioners.

Dated at Denver, Colorado,

this 18th day of August, 19 45.

R

(Decision No. 24847)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. M. and H. A. Sherwood,)
of Florence, Colorado.) PERMIT NO. C-1836
)
)
)

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. M. and H. A. Sherwood of Florence, Colorado, requesting that his Permit No. C-1836 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1836, heretofore issued to A. M. and H. A. Sherwood, be, and the same is hereby, declared cancelled effective July 22, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 18th day of August, 19 45

R

(Decision No. 24848)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM BRADDY, OF 813 LEE BLVD.,) PERMIT NO. C-4509
LAWTON, OKLAHOMA.)

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sam Braddy of Lawton, Oklahoma, requesting that his Permit No. C-4509 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4509, heretofore issued to Sam Braddy, be, and the same is hereby, declared cancelled effective August 4, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thomas

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 18th day of August, 19 45

R

(Decision No. 24849)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF T. R. KASPARIE, OF BYERS, COLORADO (IN CARE OF FLODER RANCH).

PERMIT NO. C-3990

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. R. Kasparie of Byers, Colorado, requesting that his Permit No. C-3990 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3990, heretofore issued to T. R. Kasparie, be, and the same is hereby, declared cancelled effective July 26, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry O. Thomas

Malcolm Ericsson

Ralph C. Newton

Commissioners.

Dated at Denver, Colorado,

this 18th day of August, 19 45
R

(Decision No. 24850)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JUMP MINING AND MILLING COMPANY,)
OF 1015 WALNUT STREET, BOULDER,) PERMIT NO. C-15342
COLORADO.)
)
)

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Jump Mining and Milling Company of Boulder, Colorado, requesting that his Permit No. C-15342 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15342, heretofore issued to the Jump Mining and Milling Company, be, and the same is hereby, declared cancelled effective July 18, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Malcom Ericksen

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 18th day of August, 19 45

R

(Decision No. 24851)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF T. J. ISENBART, HASTY, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6791
Supplemental Order.

August 11, 1945.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
R. M. Jackson, Rocky Ford, Colorado, for Dallas Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On July 25, 1945, by Decision No. 24763, the Commission authorized T. J. Isenbart, of Hasty, Colorado, to operate as a common carrier, on call and demand, for the transportation of houses and buildings, etc., as set forth in said order.

It now appears that the order contained in said decision does not conform to the evidence submitted, in that the County of Lincoln and the Counties of Huerfano and Pueblo were inadvertently omitted from the first paragraph of said order.

Findings

The Commission Finds:

That said first paragraph of the order contained in Decision No. 24763 should be amended as hereinafter set forth.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 24763, of date July 25, 1945, should be, and hereby is, amended by adding the word "Lincoln" following the word "Crowley", and the

words "Huerfano and Pueblo" following the word "Las Animas" in the first paragraph of said order, so that said paragraph shall read:

> That the public convenience and necessity require the proposed motor vehicle operations of T. J. Isenbart, of Hasty, Colorado, on call and demand, for the transportation of farm products, including livestock, farm machinery and farm supplies and equipment, and emigrant moveables, between points within the area around Hasty described as follows:
>
> Bent County Line on the north; two miles east of the Bent County Line on the east; 25 miles south of Hasty on the south, and a line drawn north and south through a point one mile west of Fort Lyon on the west;
>
> and to and from points in said area from and to points in the State of Colorado; also the transportation of houses and buildings between points in the area which includes the Counties of Baca, Prowers, Bent, Otero, Kiowa, Crowley, Lincoln, and that portion of Las Animas, Huerfano and Pueblo Counties lying east of U. S. Highway 85, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.
>
> That except as herein amended, said Decision No. 24763 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of August, 1945.

BH

(Decision No. 24852)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY F. CRAIG, MONTROSE, COLORADO, FOR AUTHORITY TO TRANSFER P.U.C. NO. 1413 TO CHESTER W. YATES, MONTROSE, COLORADO.

APPLICATION NO. 5591-A

August 18, 1945

Appearances: Moynihan, Hughes and Sherman, Esqs., Montrose, Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 17108 of date May 8, 1941, as amended by Decision No. 17237, of date June 11, 1941, Harry F. Craig was authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

> houses and buildings from point to point within a radius of 75 miles of Montrose, Colorado.

By application filed with the Commission on August 8, 1945, said Harry F. Craig seeks authority to lease said certificate to Chester W. Yates, with option to purchase, upon terms and consideration set forth in copy of Lease and Option Contract attached to the application, which, by reference, is made a part hereof.

It appears that said certificate is in good standing; that there are no outstanding unpaid operating accounts; that lessee or transferee, as the case may be, pecuniarily and otherwise, is qualified to carry on the operation; that the proposed transfer is in the public interest; that no common carrier is engaged in furnishing the same type of service in the territory where transferor is authorized to serve; that no useful purpose would be served by setting said matter for formal hearing.

Findings

The Commission Finds:

That said application should be acted upon without formal hearing; that the application should be granted; that the Lease and Purchase Agreement should be approved.

O R D E R

THE COMMISSION ORDERS:

That application of Harry F. Craig to lease certificate of public convenience and necessity, PUC No. 1413, to Chester W. Yates, with option to purchase, upon the terms and consideration set forth in copy of lease and option contract attached to the application, be, and the same hereby is, approved.

That if said Chester W. Yates, within the time limit in said Lease and Option Agreement, shall elect to purchase said certificate, he shall notify the Commission of said election, and file the necessary insurance, tariff, and otherwise comply with our rules and regulations, and if and when he shall so do, said certificate shall be transferred to him upon the records of the Commission.

That ton-mile tax deposit should be refunded to transferor if and when said sale is consummated.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of August, 1945

JH

(Decision No. 24853)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ERNEST H. SCHNEIDER, OF 2491 WEST MEXICO, DENVER, 10, COLORADO.

PERMIT NO. C-15385

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ernest H. Schneider of Denver, 10, Colorado, requesting that his Permit No. C-15385 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15385, heretofore issued to Ernest H. Schneider, be, and the same is hereby, declared cancelled effective August 3, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thoreau

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 18th day of August, 19 45

R

(Decision No. 24854)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF PETERSON TRUCKING, of 229 NORTH LOOMIS, FORT COLLINS, COLORADO.	)	PUC 1472

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Peterson Trucking Company requesting that PUC 1472 be suspended for a period of six months.

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

O R D E R

IT IS ORDERED:

That the Peterson Trucking be, and it is hereby, authorized to suspend its operations under its certificate of public convenience and necessity, namely, PUC 1472, for a period of not to exceed six months from July 22, 1945.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomson

Malcom Erickson

Ralph C. Horton

Commissioners

Dated at Denver, Colorado,
this 18th day of August, 1945.

R

(Decision No. 24855)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. R. KASPARIE, OF BYERS, COLO-) APPLICATION NO. 7003-PP
RADO (C/o FLODER RANCH.)

August 18, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-named permittee requesting that his Class "B" permit, granted in Application No. 7003-PP, under Decision No. 24729, be cancelled.

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

O R D E R

IT IS ORDERED:

That Class "B" permit, heretofore issued to T. R. Kasparie, in Application No. 7003-PP, Decision No. 24729, be, and the same is hereby, declared cancelled, effective as of this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry L. Doherty

Malcom Erickson

Ralph C. Horton

Commissioners

Dated at Denver, Colorado,
this 18th day of August, 1945.

R

Original

(Decision No. 24856)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) APPLICATION NO. 6934

August 21, 1945

Appearances: Cecil Ditsch, Esq., Littleton, Colorado, for applicant;
Charles W. Kelly, Esq., Denver, Colorado, for Public Service Company of Colorado;
Worth Allen, Esq., Denver, Colorado, for Colorado Central Power Company;
E. B. Evans, Esq., Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

This is an application by Intermountain Rural Electric Association, Inc., a cooperative association, organized under the laws of the State of Colorado, and engaged in transmitting and selling electric energy to and among members of the Association, and as to lines acquired from public utilities, selling and distributing energy to and among members of the Association and non-members who desire service, under the provisions of Section 36 (k) of Senate Bill No. 29, passed by the 1945 General Assembly of the State of Colorado, approved and effective March 14, 1945, for permission to construct certain transmission and distribution lines, to serve the farmers in Townships 4 and 5-South, Range 67-West, 6 P. M.

The matter, pursuant to prior setting, was heard in Denver, Colorado, on June 1, 1945, and taken under advisement.

At the hearing, it appeared that applicant immediately proposes to serve about twenty customers residing in the area described in the application, their location being shown on map marked "Cherry Creek Extension, Intermountain R.E.A. EO-187-Colorado - 16, Jefferson," filed with the Commission on March 12, 1945.

Commonwealth Utilities Corporation did not appear at the hearing. Public Service Company of Colorado and Colorado Central Power Company, who have transmission lines in the vicinity of the area proposed to be served by applicant, indicated that they had no objection to the granting of the authority sought, and that they did not presently desire to serve the territory.

Applicant and Colorado Central Power Company entered into a stipulation, whereby it was agreed that Colorado Central Power Company does not object to applicant being permitted to:

> "(1) Continue to construct and complete, and render service from its Cherry Creek extension for the service of some twenty consumers, the approximate location of whom is shown on a map marked 'Exhibit A,' attached hereto and by reference made a part hereof.
>
> "(2) Render service in the future to any and all consumers in said Township 5 and in the portion described of said Township 4, who may be reached by the construction of service lines from the Applicant's presently constructed distribution system and from the distribution system hereinbefore described as being in process of construction, provided said service lines do not exceed three hundred feet in length.
>
> "Service to any other customers in said Township 5 and in the described portion of said Township 4 than is herein provided shall be a matter of negotiation by and between the parties in the future, and such service shall not be rendered by Applicant unless agreement with respect thereto is reached by the parties hereto."

Findings

The Commission Finds:

That applicant is a cooperative electric association within the meaning of Section 36 (k), Senate Bill No. 29, approved and effective March 14, 1945, aforesaid; that the territory involved herein which said cooperative desires to serve is not being served by any electric public utility; that while it is territory which could be served by Public

Service Company of Colorado, said company has indicated it does not desire, at this time, to construct lines or to agree to serve consumers in said territory "promptly and within a reasonable time," or at all; that while it is territory which could be served by Colorado Central Power Company, said company has indicated it does not desire to serve all territory and it and applicant have entered into stipulation, as set forth in the Statement preceding; that the proposed service by applicant is in the public interest, and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That the application of Intermountain Rural Electric Association, Inc., a cooperative electric association organized under the laws of the State of Colorado, be, and it hereby is, authorized to extend its transmission and service lines into Townships 4 and 5-South, Range 67-West, 6th P.M., and to serve all parties in said area who now or hereafter may desire to become consumers of energy furnished by applicant, in accordance with stipulation entered into between applicant and Colorado Central Power Company, as set forth in the Statement preceding, which, by reference is made a part hereof, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization

herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of August, 1945.

JH

Original

(Decision No. 24857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6935

August 21, 1945

Appearances: Cecil Ditsch, Esq., Littleton, Colorado, for applicant;
Worth Allen, Esq., Denver, Colorado, for Inland Utilities, Company.

STATEMENT

By the Commission:

On April 16, 1945, Intermountain Rural Electric Association, Inc., a cooperative electrical association organized under the laws of the State of Colorado, filed its application with the Commission under Section 36 (k) of Senate Bill No. 29, passed by the 1945 General Assembly of the State of Colorado, approved and effective March 14, 1945, for authority to construct certain electrical power lines of sufficient capacity and voltage to serve the rural community in Townships 4 and 5-South, Range 62-West, 6 P. M.

The application recited that Public Service Company of Colorado has a 13,800-volt 3-phase power line adjacent to the territory referred to, and that Inland Utilities Company is serving in and closely adjacent to the Town of Strasburg and east along U. S. Highway No. 287 to the Towns of Byers and Deertrail, Colorado. Said electric utilities, along with other parties in interest, were duly notified of the time and place of hearing.

The matter was heard, pursuant to prior notice, in Denver, Colorado, on June 8, 1945, and taken under advisement.

Inland Utilities appeared by its counsel, Worth Allen. The Public Service Company did not appear.

Intermountain amended its application to exclude its request to serve anyone in Sections 1 to 12, inclusive, Township 4-South, Range 62-West, 6 P.M., except Frank Roberts, who lives in the northeast corner of Section 8, Township 4-South, Range 62-West, 6 P.M. Thereupon, Inland Utilities withdrew objections to the granting of the petition.

It further appeared that all persons who signed the petition for service filed with the application reside in Township 5-South and Sections 13 to 36, inclusive, Township 4-South, Range 62-West, 6 P.M., Frank Roberts having another place in addition to one that he owns in Section 18, Township 4-South, Range 62-West, 6 P.M., heretofore referred to, which is in Section 8, Township 4-South, Range 62-West, 6 P.M.; also that said Inland Utilities does not, at this time, desire to serve in the territory south of said Sections 1 to 12, inclusive.

Findings

The Commission Finds:

That applicant is a cooperative electric association within the meaning of Section 36 (k), Senate Bill No. 29, approved and effective March 14, 1945, aforesaid; that the territory involved herein which said cooperative desires to serve is not being served by any electric public utility; that while it is territory which could be served by Public Service Company and Inland Utilities Company, Inland Utilities Company has indicated it does not desire, at this time, to construct lines or to agree to serve consumers in said territory "promptly and within a reasonable time," or at all, and said Public Service Company has not indicated that it does desire to serve; that the proposed service by applicant is in the public interest, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That the application of Intermountain Rural Electric Association, Inc., a cooperative electric association organized under the laws of the State of Colorado, be, and it hereby is, authorized to extend its transmission and service lines into Sections 13 to 36, inclusive, Township 4-South, Range 62-West, 6 P.M., and Township 5-South, Range 62-West, 6 P.M., and to serve the farm or ranch of Frank Roberts, located in the northeast corner of Section 8, Township 4-South, Range 62-West, 6 P.M., as shown on map marked "Map No. 4-S62 - Intermountain Rural Electric Association, Inc., Colorado -- 16, Jefferson," filed with the application herein, which, by reference, is made a part hereof, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of August, 1945

JH

(Decision No. 24858)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GRAND LAKE LIGHT COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) APPLICATION NO. 7009

August 22, 1945

Appearances: Worth Allen, Esq., Denver, Colorado, for applicant;
C. L. Flower, Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

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 the exercise by applicant of certain franchise rights granted by the Board of Trustees of the Town of Grand Lake, Colorado, in and by Ordinance No. 12.

The matter was set for hearing, and heard, in Denver, Colorado, on July 25, 1945, and taken under advisement.

At the hearing, it appeared that on the 3rd day of May, 1945, there was passed by the Board of Trustees, and approved by the Mayor of the Town of Grand Lake, said Ordinance No. 12, granting to the applicant, its successors and assigns, a franchise:

> "TO CONSTRUCT, ACQUIRE, MAINTAIN AND OPERATE A PLANT OR PLANTS AND WORKS, FOR THE GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, AND TO FURNISH, SELL AND DISTRIBUTE SAID PRODUCT TO THE SAID TOWN OF GRAND LAKE AND THE INHABITANTS THEREOF FOR LIGHT, HEAT AND POWER, OR OTHER PURPOSES, BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR

OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS AND PUBLIC WAYS AND PLACES IN THE TOWN OF GRAND LAKE, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The term of said franchise is for a period of twenty years from and after its final passage, approval, and publication, and approval and acceptance by applicant. Said applicant duly accepted and approved said franchise on May 7, 1945.

The evidence disclosed that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, and doing business as a public utility, with its principal office and place of business in the Town of Grand Lake, Colorado; that, generally, under its charter, it is authorized to engage in the business of generating electrical energy, and in transporting such energy by means of transmission and distribution lines for sale directly to consumers or wholesalers, for light, heat, power, and other purposes, and as an incident thereto, has the right to construct such transmission and distribution lines, to acquire real estate and other property therefor, etc.

It was further disclosed that no other utility is now serving said town; that said town was incorporated recently; that, prior thereto, under certificate of public convenience and necessity issued by this Commission in Application No. 2209, on February 27, 1935, applicant had been serving the unincorporated Town of Grand Lake and the immediate vicinity thereof; that, on account thereof, in effect, the operation is a continuation of one heretofore authorized by the Commission.

No objections have been filed to the application, and, on the contrary, the Town of Grand Lake has filed its consent, in writing, to the issuance of the certificate requested.

It further appeared that the actual investment by applicant in the said system in the Town of Grand Lake is approximately

Twenty Thousand Dollars ($20,000.00). However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee, if any, for issuance of certificate herein, will not preclude the Commission from adopting a different value, should the question of valuation arise in a rate hearing, or any subsequent proceeding where valuation may be an issue.

Findings

The Commission Finds:

That public convenience and necessity require the exercise by applicant of franchise rights granted to it by the Town of Grand Lake, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION FINDS:

That public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Town of Grand Lake, Colorado, in Ordinance No. 12, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 22nd day of August, 1945

JH

(Decision No. 24859)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, FOR CLARIFICATION AND RATIFICATION OF ITS EXISTING RIGHTS TO SERVE THE TERRITORY KNOWN AS ITS "GRAND JUNCTION DISTRICT;" FOR CONSOLIDATION INTO ONE CERTIFICATE OF CONVENIENCE AND NECESSITY OF EXISTING CERTIFICATES IN SAID TERRITORY OF THE AREA SERVED AND TO BE SERVED; AND FOR EXTENSION OF SERVICE THEREIN.

APPLICATION NO. 6807

August 21, 1945

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado, and J. P. Helman, Esq., Grand Junction, Colorado, for applicant; Louis Gorrin, Boatman's Bank Building, St. Louis, Missouri, and W. E. Parkison, Glenwood Springs, Colorado, for Holy Cross Electric Association; David McKee, Esq., Denver, Colorado, for Rocky Mountain Farmers' Union.

S T A T E M E N T

By the Commission:

The above styled application was filed by the Public Service Company of Colorado, a corporation, for the purpose of clarifying and making definite and certain the territory which applicant is authorized to serve under certificates described in the application which were, heretofore, issued by the Commission, and to confirm its right to operate within territory contiguous to the towns and areas described in its certificates and to extend its facilities, lines, plants, and systems into said contiguous areas under said certificates and certain "Grandfather Rights" recognized by the Public Utilities Act, without first having obtained formal certificates of public convenience and necessity

from the Commission authorizing the same, and to authorize further extensions into the territory described in Paragraph No. 3 of the application, known as the "Grand Junction District," said territory being described as:

> All that area in Mesa County in the Ute Principal Meridian located in the East one-half of Township 1-North, Range 3-West; in Township 1-North, Range 2-West; in Townships 1-North and 1-South, Range 1-West; in Township 1-North and 1-South, Range 1-East; and in Township 1-South, Range 2-East. All that area in Mesa County in the Sixth Principal Meridian located in Townships 8, 9, 10 and 11-South, Ranges 97, 98, and 99-West; in Townships 8 and 9-South, Ranges 95 and 96-West. All that area in Garfield County in the Sixth Principal Meridian located in Townships 4, 5, 6, 7 and 8-South, Ranges 90, 91, 92, 93, 94, 95, 96, 97, 98 and 99-West; and in the Southwest Quarter of Township 5-South, Range 89-West; and the 44 Kv line extending from Glenwood Springs to Rifle. Except that territory now served by the Glenwood Light and Water Company, and The Carbondale Light and Power Company shall not be included in said Grand Junction District; as more particularly set forth in Exhibit A attached to the application.

Said matter was heard, pursuant to formal notice, in Denver, Colorado, on December 8, 1944, and taken under advisement.

Formal protest and statement of position of Holy Cross Electric Association, Inc., a corporation, duly incorporated under the laws of the State of Colorado as a cooperative, and engaged in the business of generating, transmitting and distributing electricity in various portions of Eagle, Garfield, and Pitkin Counties, was filed. Among other things, protestant alleged that it had performed such work preliminary to the construction of network of electric transmission and distribution lines to serve residents in portions of the rural areas lying in and adjacent to that part of the Colorado River Valley extending between New Castle, Colorado, and Grand Valley, Colorado, as shown by map attached to the protest and marked "Exhibit A," which, by reference, is made a part hereof; that applications for membership in the Association were obtained from 391 prospective customers; that approximately 212 additional prospective consumers reside within the range of the planned line

construction, and probably will become consumers if and when the line is constructed; that transmission and distribution lines will amount to 187 miles; that approximately 75% of the planned line has been surveyed and staked out; that 70% of easements and rights-of-way have been obtained; that approximately $5200.00 has been expended in preliminary work; that cost of construction of the line and sub-station will amount to $130,000.00; that energy to be transmitted through said planned line is intended to be purchased from the applicant herein; that $176,000.00 is immediately available for construction of the line and other expense in connection therewith; that plans and specifications for construction were completed and delivered to contractors in the Fall of 1941, but acceptance of bid was necessarily postponed, due to the commencement of the war on December 7, 1941, and consequent inavailability of materials necessary for construction; that protestant is prepared, willing and able to construct line immediately when necessary materials are available; that the "four mile extension to coal mines at Cameo near Palisade" will not affect protestant's planned line; that "several short extensions from the New Castle distribution system" will not affect protestant's planned line, unless one or more of said "short extensions," extend more than one mile north of New Castle; that all the remainder of applicant's plan is in direct conflict with portions of protestant's planned line; that, in general, applicant's plan is designed to serve the more heavily populated portions of area covered by protestant's plan; that protestant's planned line was designed as a cohesive economic unit, and, should any major portion of the plan be abandoned due to service of an area by applicant, the entire plan will be rendered economically unfeasible, and it will be necessary to abandon the whole thereof; that protestant's planned line does not conflict or compete in any manner with any electric transmission lines now constructed and in operation; that, in consequence thereof, the

public benefit and interest will be better served by the construction of protestant's planned line.

At the hearing, applicant asked for, and was granted, leave to strike Paragraph No. 11, which covered the request to serve approximately 250 customers by means of extensions into the area which protestant also proposes to serve, from the application.

Applicant also asked that protest heretofore referred to be stricken from the files, and that Protestant Holy Cross Electric Association, Inc., be denied the right to participate in the hearing. The motion was denied, and exceptions allowed.

It appeared that applicant is a corporation, duly organized and existing under the laws of the State of Colorado, and doing business as a public utility; that the principal office and post office address of applicant is in the City and County of Denver, Colorado; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating, transmitting, and distributing electric energy to various cities, towns, and communities in diverse counties of the State of Colorado, for heating, light, power, and other purposes; that a certified copy of its Articles of Incorporation is on file with the Commission; that there is no other utility engaged in furnishing electricity in the area involved in this application, although some rural areas in Mesa County are served by Holy Cross Electric Association; that applicant and its predecessors in interest have been rendering, and applicant now is rendering, service to the City of Grand Junction, the Towns of Rifle, Fruita, Palisade, New Castle, Silt, Grand Valley, and De Beque, under and by virtue of franchise rights from said municipalities and certificates of public convenience and necessity to exercise franchise rights issued by this Commission; that applicant acquire as of August 31, 1926, the then existing generating, transmission and distribution system of that portion of its

Grand Junction District located in and adjacent to Rifle in Garfield County, by purchase of the Rifle Light, Heat and Power Company, incorporated December 21, 1908; that applicant served the Town of Rifle and adjacent territory by an 11 Kv transmission line from a hydro-electric plant located approximately 9.5 miles north and 4 miles east of the Town of Rifle, as shown on map attached to the application; that a 44 Kv transmission line connecting the Rifle system with the Shoshone hydro-electric plant of the "Central System" of Public Service Company of Colorado was built and placed in operation in November, 1926, in order to adequately serve the increased load near Rifle, and to better utilize the generation of the Rifle hydro-electric plant, and under Application No. 808, Decision No. 1348, of date June 24, 1927, the twenty-five-year electric franchise granted by the town of Rifle to C. L. Todd, his succdessors and assigns, on December 2, 1908, and transferred by a confirmatory ordinance on February 3, 1909 to the Rifle Light, Heat and Power Company, was transferred to Public Service Company of Colorado and the right granted to serve contiguous territory, and under Application No. 993, Decision No. 2511, of date September 12, 1929, Public Service Company of Colorado was granted a certificate of public convenience and necessity to exercise franchise rights granted to it by the Town of Rifle, on April 4, 1928; that on November 24, 1926, Public Service Company acquired that portion of its then existing generating, transmission and distribution system of its Grand Junction District located in Mesa County by acquisition and ownership of the Grand Junction Electric, Gas and Manufacturing Company; that said Grand Junction Electric, Gas and Manufacturing Company was incorporated on February 11, 1907, and on February 23, 1907, acquired the Citizens Gas and Coke Company, incorporated May 9, 1904, furnishing manufactured gas in the City of Grand Junction, the Grand Junction Electric and Gas Company, incorporated August 4, 1903, serving electric service in the City of Grand Junction and adjacent territory, and the Grand ,

Junction Ice and Cold Storage Company, incorporated April 25, 1902; that the Grand Junction Electric Gas and Manufacturing Company extended electric service to the Town of Fruita under a twenty-five-year franchise granted to it by the Town on August 2, 1911; that the Grand Junction Electric Gas and Manufacturing Company took over on November 23, 1926, the Grand River Valley Railway Company, incorporated October 3, 1914, which Company took over on January 6, 1915, the Grand Junction and Grand River Valley Railway Company, and on February 20, 1923, the Palisade Service Company supplying electric service in Palisade under a twenty-year franchise granted March 15, 1916; that presently all utility services in the City of Grand Junction are controlled and regulated by the City of Grand Junction under its home rule charter provision; that under Application No. 806, Decision No. 1346 of June 24, 1927, the twenty-five-year electric franchise granted by the Town of Fruita to the Grand Junction Electric, Gas and Manufacturing Company on August 2, 1911, was transferred to Public Service Company of Colorado, and the right to serve contiguous territory was granted; that under Application No. 3682, Decision No. 9235 of January 13, 1937, Public Service Company of Colorado was granted a certificate of public convenience and necessity to exercise franchise rights granted by the Town of Fruita on November 2, 1936; that under Application No. 805, Decision No. 1342 of June 24, 1927, the franchise rights granted by the Town of Palisade to the Palisade Service Company on March 15, 1916, were transferred to the Public Service Company of Colorado and the right to serve the contiguous territory was granted; that under Application No. 941, Decision No. 1377 of February 23, 1928, Public Service Company of Colorado was granted a certificate of public convenience and necessity to exercise franchise rights granted to it by the Town of Palisade on July 12, 1927; that Public Service Company of Colorado acquired the then existing generating and distribution system of that portion of its Grand Junction District located in and adjacent

to the Town of New Castle, Garfield County, by purchase on January 23, 1928, from J. C. and Frank Weller and by purchase from the Town of New Castle on February 3, 1928; that under Application No. 992, Decision No. 2513 of September 12, 1929, a certificate of public convenience and necessity was granted to Company for exercise of a twenty-year franchise granted to it by the Town of New Castle on April 2, 1928; that Public Service Company of Colorado extended its electric service to the Town of Silt in Garfield County after a twenty-five-year franchise was granted to it by the Town on February 4, 1929; that under Application No. 1287, Decision No. 2507 of September 12, 1929, Public Service Company of Colorado was granted a certificate of public convenience and necessity to exercise said franchise and to extend a transmission line connecting service with the existing Rifle transmission line; that Public Service Company of Colorado extended its electric service to the Town of Grand Valley after a twenty-five-year franchise was granted to it by said Town on August 5, 1929; that under Application No. 1457, Decision No. 2506 of September 12, 1929, a certificate of public convenience and necessity was granted to Company for the exercise of said franchise rights and the construction of a transmission line extending from Grand Valley to Rifle; that applicant purchased the electric system owned and operated by the Town of De Beque on October 18, 1929, upon the granting of a twenty-five-year electric franchise by the Town of DeBeque to Public Service Company of Colorado on September 3, 1929; that under Application No. 1461, Decision No. 2690, of date January 24, 1930, applicant was granted a certificate of public convenience and necessity to exercise said franchise, it being shown that the Town of DeBeque would be served from the transmission line running from

Rifle through Grand Valley to DeBeque; that, as of January 1, 1942, applicant placed in operation a 44 Kv transmission line extending from its existing 44 Kv line, terminating at Rifle, to Palisade, in order to connect the hydro-electric generating plants of the Grand Junction District with the hydro-electric plants of the Central System in order to adequately utilize the generating capacity.

Mr. L. D. Bonham, witness for applicant, identified a map, being Exhibit No. 1, offered at the hearing, which, by reference, is made a part hereof, showing the transmission and distribution lines in the Grand Junction District, and the location of generating facilities, substations, etc. He stated that Company has 7600 industrial, commercial, and domestic consumers (which includes 1850 rural customers) in said area, and has enough generating capacity and sufficient transmission and distribution lines to care for all demands for service that may be reasonably anticipated; that it also serves about 100 mines in the area.

Applicant represented to the Commission that while it is of the opinion that its operations in said territory, long prior to the passing of the Public Utilities Act (Chapter 110, Session Laws of 1917), certificates of public convenience and necessity aforesaid and the provisions for extension by existing utility of its facilities, plant, and system under Section 36 of said Public Utilities Act by Chapter 137 of 1935 Colorado Statutes Annotated, entitled it, under the law, to serve the so-called "Grand Junction District," as described in paragraphs Nos. 3 to 10, inclusive, of the application, it seeks certificate herein confirming, clarifying, and ratifying its right, so that they may be definitely determined; that extensions of its distribution and transmission system in the territory aforesaid have been made from time to time, as the needs and convenience of the inhabitants thereof require; that while said certificates of public convenience and necessity did not, in terms, in all instances, authorize said construction and extension into

territory adjacent to the municipalities mentioned, said company made such extensions under provisions of the statute aforesaid, and under the impression that such authority was not needed to extend its lines from towns and communities it specifically is authorized to serve into contiguous territory not served by public utilities of like character.

Section 35 (a) of the Public Utilities Act (Chapter 110 Session Laws of 1917, Section 36, Chapter 137, 1935 C.S.A., provides:

> "No public utility shall henceforth begin the construction of a new facility, plant, or system, or of any extension of its facility, plant or system, without first having obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; provided, that this section shall not be construed to require any corporation to secure such certificate for an extension within any city and county or city or town within which it shall have heretofore lawfully commenced operations, or for an extension into territory, either within or without a city and county or city or town, contiguous to its facility, or line, plant, or system, and not theretofore served by a public utility of like character, or from an extension within or to territory already served by it, necessary in the ordinary course of its business; and, provided, further, that if any such public utility, in constructing or extending its line, plant or system, shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order prohibiting such construction or extension or prescribing such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable."

In considering a similar situation, in re Applications Nos. 6698, 6699, 6700 and 6701, of The Inland Utilities Company, in Decision No. 22970, we said:

> "While applicant could have applied for certificate of public convenience and necessity before extending its transmission and distribution lines into the territories heretofore described contiguous to the towns it was authorized to serve under its certificates of public convenience and necessity, it seems to be clear that applicant, under the provisions of Section 35 (a) aforesaid was not required to secure such certificate from the Commission. In other words, it had two courses open to it. One, to apply to the Commission for authority to make the extensions, the other, to extend its lines into con-

> tiguous territory under the authority contained in the statute, taking the risk that such extension would not 'interfere with the operation of the line, plant, or system of any other public utility already constructed.' What applicants here are asking us to do is to clarify their original certificates so as to include the territories into which applicants have extended, or to confirm their right to extend into such territories under and by virtue of the second alternative mentioned. There is no apparent reason why the Commission, in a proper case, should not clarify and confirm rights of applicant under its certificates to serve territories contiguous to towns it specifically has been authorized to serve."

The same considerations apply here.

Findings

The Commission Finds:

That Public Service Company of Colorado, a corporation, by certificates of public convenience and necessity, was authorized by the Commission to serve the Cities and Towns of Grand Junction, Rifle, Fruita, Palisade, New Castle, Silt, Grand Valley, and DeBeque, and the areas heretofore specifically described; that it and its predecessors served a number of said towns and areas and the immediate vicinity thereof long prior to the passage of the Public Utilities Act and the granting of said certificates; that said Public Utilities Act confirmed its right to so serve; that under the provisions of Section 35 (a) of the Public Utilities Act (Ch. 110, Session Laws of 1917 - Sec. 36, Ch. 137, 1935 C.S.A.), it was authorized to extend its service into the areas and territories contiguous to said towns heretofore described; that pursuant to said statutory authority, it, at all times prior to, and since issuance of, said certificates, not only has professed to serve and has held itself out as willing to serve the aforedescribed territories adjacent to said towns, but has extended its transmission and distribution lines into said contiguous territories and has served all residents thereof who were willing and able to contract for service according to applicant's extension terms, as set forth in its tariffs on file with

The Public Utilities Commission; that public convenience and necessity require, and will require, the construction and operation of said electrical systems of applicant in said territories adjacent or contiguous to said towns; that said contiguous territories, at the time of said extensions, have not been, and are not now, served by any other public utility; that its action in constructing and extending said transmission and distribution lines and facilities and serving the inhabitants of said areas with electrical energy, should be confirmed and approved; that public convenience and necessity require, and will require, extensions from time to time of applicant's lines and service into areas within the boundaries of the territories heretofore described, excepting, however, any part of the area described in Paragraph No. 11 of the application, which was stricken at applicant's request, for the purpose of distributing and selling electrical energy for light, power, and heating purposes to and among present and future inhabitants thereof as their needs may require, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado, a corporation, applicant herein, was authorized under the provisions of Section 35 (a) of the Public Utilities Act (Chapter 110, Session Laws of 1917 - Sec. 36, Chapter 137, 1935 C.S.A.), to extend its electrical lines, system and service into the areas and territories contiguous to the municipalities of Grand Junction, Rifle, Fruita, Palisade, New Castle, Silt, Grand Valley, and DeBeque, and vicinities thereof, in the manner said extensions have been made, said territories, termed "The Grand Junction District," being specifically described in the Statement contained in this decision preceding this Order, which, by reference, is made a part hereof, and that its right to make such extensions and to serve said

territories under its certificates of public convenience and necessity as set forth in said Statement, should be, and the same hereby is, confirmed and approved.

That public convenience and necessity require, and will require, extensions from time to time of applicant's lines and service into areas within the boundaries of the said territories known as "The Grand Junction District," heretofore described, for the purpose of distributing and selling electrical energy for light, power, and heating purposes, to and among present and future inhabitants thereof, as their needs may require; and that this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor, provided, however, that said authorization to extend its lines and service shall not be construed to authorize any extensions of its lines, or extended service in, the territory described in Paragraph No. 11 of the application, which by reference is made a part hereof.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of August, 1945

JH

Original

(Decision No. 24860)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE PUBLIC SERVICE COMPANY OF COLORADO, FOR CLARIFICATION AND RATIFICATION OF ITS EXISTING RIGHTS TO SERVE THE TERRITORY KNOWN AS ITS "SALIDA DISTRICT"; FOR CONSOLIDATION INTO ONE CERTIFICATE OF CONVENIENCE AND NECESSITY OF EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY IN SAID TERRITORY OF THE AREA SERVED AND TO BE SERVED; AND FOR EXTENSION OF SERVICE THEREIN.	APPLICATION NO. 6806

August 21, 1945

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

The above-styled application was filed by the Public Service Company of Colorado, a corporation, for the purpose of clarifying and making definite and certain the territory which applicant is authorized to serve under certificates described in the application, which were heretofore issued by the Commission, and to confirm its right to operate within territory contiguous to the towns and areas described in its certificates and to extend its facilities, lines, plants, and systems into said contiguous areas under said certificates and certain "Grandfather Rights," recognized by Public Utilities Act, without first having obtained formal certificates of public convenience and necessity from the Commission authorizing the same, and to authorize further extensions into the territory described in Paragraph No. 3 of the application, known as the "Salida District," said territory being described as:

All that area in Chaffee County located in the northerly portion of Township 48-North, Ranges 7 and 8-East; and in Townships 49, 50 and 51-North, extending through Ranges 5, 6, 7, 8, 9, and 10-East, New Mexico Principal Meridian. All that area in Gunnison County located in the northerly portion of Township 48-North, extending through Ranges 3, 4, 5, 6, and 7-East; and in Townships 49, 50 and 51-North, extending through Ranges 3, 4, 5, 6, and 7-East, New Mexico Principal Meridian. All that area in Fremont County located in Townships 48, 49, 50, and 51-North, extending through Ranges 9, 10 and 11-East, New Mexico Principal Meridian. All that area in Saguache County located in Townships 45, 46, 47, and 48-North, extending through Ranges 6, 7, 8, 9, and 10-East; and in Townships 43 and 44-North, extending through Ranges 6, 7, and 8-East, New Mexico Principal Meridian.

Said matter was heard, pursuant to formal notice, in Denver, Colorado, on December 8, 1944, and taken under advisement.

It appeared that applicant is a corporation, duly organized and existing under the laws of the State of Colorado, and doing business as a public utility; that the principal office and post office address of applicant is in the City and County of Denver, Colorado; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating, transmitting, and distributing electric energy to various cities, towns, and communities in diverse counties of the State of Colorado, for heating, light, power, and other purposes; that a certified copy of its Articles of Incorporation is on file with the Commission; that there is no other utility engaged in furnishing electricity in the area involved in this application, although some rural areas in Chaffee County are served by Sangre De Cristo Electric Association; that applicant and its predecessors in interest have been, and applicant now is rendering service to the City of Salida and the Towns of Saguache and Poncha Springs under and by virtue of franchise rights from said municipalities and certificates of public convenience and necessity to exercise franchise rights issued by this Commission, the Poncha Springs certificate being granted by Decision No. 3042, on September 18, 1930, the Saguache

certificate being granted by Decision No. 17013 on April 21, 1941, and the Salida certificate being granted by Decision No. 17027, of date April 24, 1941; that Public Service Company of Colorado acquired the then existing generating, transmission and distribution system of "The Salida District" by merger of the Colorado Power Company into Public Service Company of Colorado No. 3 on September 3, 1924. The Colorado Power Company took over the then existing plant, transmission and distribution system of "The Salida District" as of April 1, 1914, from the re-organization committee of its predecessor company, the Central Colorado Power Company. The re-organization committee of the Central Colorado Power Company took over the generating, transmission and distribution system as of March 1, 1913, from the Salida Light, Power and Utility Company, which Company had been rendering electric service since approximately 1906. Prior to 1917, the Colorado Power Company had constructed a 16,000-volt transmission line from a point near Salida, south a distance of approximately sixteen miles to the Rawley Mine, and thereafter made extensions from said line to mining properties in the vicinity of Bonanza. Prior to 1917, electric service had been extended to the mining districts adjacent to Garfield and Monarch, and thereafter extended to the White Pine District in Gunnison County. Subsequent to 1917, the Colorado Power Company, under authority of public convenience and necessity, set forth in Application No. 209, Decision No. 573, dated October 18, 1922, extended its 16,500-volt transmission line from the Bonanza District, a distance of approximately fifteen miles to the Town of Saguache, rendering electric service to customers in said town and along said transmission line; that Public Service Company of Colorado, in order to more adequately supply the growing requirements of "The Salida District," and to firm the service in both the Salida and Alamosa Districts, during the year 1926, constructed a 44 Kv transmission line from its Alamosa Steam Plant connecting with the Salida 16,500-volt line at a point near Bonanza, and thereafter constructed a 44 Kv line

from Poncha Springs near Salida to Villa Grove Junction, a point on said 44 Kv line from Alamosa to Kerber Creek, dismantling a portion of its original 16,500 volt line from which no service was being rendered; that applicant, in addition to serving the municipalities heretofore mentioned, and the immediate vicinity thereof, has been substantially serving, or ready, willing, and able to serve, all said territory known as "The Salida District," and at the time of hearing, had approximately 2,000 customers; that rural areas in the Salida District are mountainous; that it has hydro plants located west of Salida near Maysville; that it proposes to immediately serve some 60 farmers living along its transmission line between the Salida steam plant and the hydro plants aforesaid; that it has made application for material to W.P.B., which will cost approximately $15,000.00, and, as soon as it is available, will serve said people, practically all of whom have indicated their willingness to become customers of applicant.

Applicant represented to the Commission that while it is of the opinion that its operations in said territory, long prior to the passing of the Public Utilities Act (Chapter 110, Session Laws of 1917), certificates of public convenience and necessity aforesaid and the provisions for extension by existing utility of its facilities, plant, and system under Section 36 of said Public Utilities Act, by Chapter 137 of 1935 Colorado Statutes Annotated, entitled it, under the law, to serve the so-called "Salida District," heretofore described, it seeks certificate herein confirming, clarifying, and ratifying its right, so that they may be definitely determined; that extensions of its distribution and transmission system in the territory aforesaid have been made from time to time, as the needs and convenience of the inhabitants thereof require; that while said certificates of public convenience and necessity did not, in terms, in all instances, authorize said construction and extension into territory adjacent to the municipalities mentioned, said company made such extensions under provisions of the statute aforesaid, and under the impression that such authority was not needed to extend its lines

from towns and communities it specifically is authorized to serve into contiguous territory not served by public utilities of like character.

Section 35-(a) of the Public Utilities Act (Chapter 110 Session Laws of 1917, Section 36, Chapter 137, 1935 C.S.A., provides:

> "No public utility shall henceforth begin the construction of a new facility, plant, or system, or of any extension of its facility, plant or system, without first having obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; provided, that this section shall not be construed to require any corporation to secure such certificate for an extension within any city and county or city or town within which it shall have heretofore lawfully commenced operations, or for an extension into territory, either within or without a city and county or city or town, contiguous to its facility, or line, plant or system, and not theretofore served by a public utility of like character, or from an extension within or to territory already served by it, necessary in the ordinary course of its business; and, provided, further, that if any such public utility, in constructing or extending its line, plant or system, shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order prohibiting such construction or extension or prescribing such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable."

In considering a similar situation, in re Applications Nos. 6698, 6699, 6700 and 6701, of The Inland Utilities Company, in Decision No. 22970, we said:

> "While applicant could have applied for certificate of public convenience and necessity before extending its transmission and distribution lines into the territories heretofore described contiguous to the towns it was authorized to serve under its certificates of public convenience and necessity, it seems to be clear that applicant, under the provisions of Section 35 (a) aforesaid was not required to secure such certificate from the Commission. In other words, it had two courses open to it. One, to apply to the Commission for authority to make the extensions, the other, to extend its lines into contiguous territory under the authority contained in

> the statute, taking the risk that such extension would not 'interfere with the operation of the line, plant, or system of any other public utility already constructed.' What applicants here are asking us to do is to clarify their original certificates so as to include the territories into which applicants have extended, or to confirm their right to extend into such territories under and by virtue of the second alternative mentioned. There is no apparent reason why the Commission, in a proper case, should not clarify and confirm rights of applicant under its certificates to serve territories contiguous to towns it specifically has been authorized to serve."

The same considerations apply here.

Findings

The Commission Finds:

That Public Service Company of Colorado, a corporation, by certificates of public convenience and necessity, was authorized by the Commission to serve the City of Salida and the Towns of Poncha Springs and Saguache, and the Bonanza Area; that it, and its predecessors, have served said towns and areas in the immediate vicinity thereof long prior to the passage of the Public Utilities Act; that said Public Utilities Act confirmed its right to so serve; that under the provisions of Section 35 (a) of the Public Utilities Act (Ch. 110, Session Laws of 1917 - Sec. 36, Ch. 137, 1935 C.S.A.), it was authorized to extend its service into the areas and territories contiguous to said towns heretofore described; that pursuant to said statutory authority, it, at all times prior to and since issuance of said certificates, not only has professed to serve and has held itself out as willing to serve the aforedescribed territories adjacent to said towns, but has extended its transmission and distribution lines into said contiguous territories and has served all residents thereof who were willing and able to contract for service according to applicant's extension terms, as set forth in its tariffs on file with The Public Utilities Commission; that public convenience and necessity require, and will require, the construction and operation

of said electrical systems of applicant in said territories adjacent or contiguous to said towns; that said contiguous territories, at the time of said extensions, have not been, and are not now, served by any other public utility; that its action in constructing and extending said transmission and distribution lines and facilities and serving the inhabitants of said areas with electrical energy, should be confirmed and approved; that public convenience and necessity requires, and will require, extensions from time to time of applicant's lines and service into areas within the boundaries of the territories heretofore described for the purpose of distributing and selling electrical energy for light, power, and heating purposes to and among present and future inhabitants thereof as their needs may require, and that certificate of public convenience and necessity should issue therefor; that the valuation of $15,000.00 placed upon said transmission and distribution system, as now constructed, should be accepted by the Commission for the purpose of determining fees for issuance of certificate herein, the Commission, however, not to be bound by said valuation in any subsequent rate investigation, should such investigation occur.

O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado, a corporation, applicant herein, was authorized under the provisions of Section 35 (a) of the Public Utilities Act (Chapter 110, Session Laws of 1917 - Sec. 36, Chapter 137, 1935 C.S.A.), to extend its electrical lines, system and service into the areas and territories contiguous to the municipalities of Poncha Springs, Saguache, and Salida, and vicinities thereof, in the manner said extensions have been made, said territories, termed "The Salida District," being specifically described in the Statement contained in this decision preceding this Order, which, by reference is made a part hereof, and

that its right to make such extensions and to serve said territories under its certificate of public convenience and necessity as set forth in said Statement, should be, and the same hereby is, confirmed and approved.

That public convenience and necessity require, and will require, extensions from time to time of applicant's lines and service into areas within the boundaries of the said territories known as "The Salida District," heretofore described, for the purpose of distributing and selling electrical energy for light, power, and heating purposes, to and among present and future inhabitants thereof as their needs may require; and that this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from date.

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of August, 1945

JH

(Decision No. 24861)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF COLORADO ICE & COAL COMPANY, 2101 WEST CUCHARRAS, COLORADO SPRINGS, COLORADO, PERMIT C-17.

CASE NO. 33930-Ins.

August 23, 1945

S T A T E M E N T

By the Commission:

By Decision No. 33930-Ins., dated July 3, 1945, Permit No. C-17 was revoked and cancelled for failure to file certificate of insurance. It developed, however, that effective insurance was filed as a blanket coverage for several subsidiary firms, but was not posted to this permit.

Inasmuch as the permit was revoked in error, the Commission is of the opinion, and finds, that our Decision No. 33930-Ins., should be set aside and cancelled, and said Permit C-17 be restored to its former status.

O R D E R

IT IS ORDERED:

That Decision No. 33930-Ins., of date July 3, 1945, be, and it hereby is, set aside and cancelled, and said Permit No. C-17 be restored to its former status, effective as of July 3, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of August, 1945

JH

(Decision No. 24862)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. S. HUNT, DOING BUSINESS AS "HUNT TRANSFER & GRAIN CO.," VALLEY, NEBRASKA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO H. E. GREEN AND E. L. SMITH, DOING BUSINESS AS "VALLEY TRANSFER & GRAIN COMPANY," VALLEY, NEBRASKA.

P.U.C. NO. 1240-I
Supplemental Order

August 24, 1945

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 24508, of date May 16, 1945, L. S. Hunt, doing business as "Hunt Transfer & Gain Co.," Valley, Nebraska, was authorized to transfer PUC No. 1240-I to H. E. Green and E. L. Smith, doing business as "Valley Transfer & Grain Co.," Valley, Nebraska.

The requirements which are a condition precedent to the transfer of said permit upon our records were never complied with, and our records still show that said permit is the property of L. S. Hunt.

The Commission is in receipt of a communication from said L. S. Hunt, of date June 4, 1945, stating that:

> "Due to circumstances of which I have no control, the sale did not materialize, and I have the truck line back again, and plan to continue operations in the same manner as before the contemplated sale."

Transferee Hunt requests that said decision authorizing the transfer of PUC No. 1240-I be set aside.

Findings

The Commission Finds:

That said Decision No. 24508 should be set aside, and the records of the Commission show that L. S. Hunt, doing business as "Hunt Transfer & Grain Co.", Valley, Nebraska, is the owner of said PUC No. 1240-I.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 24508, of date May 16, 1945, authorizing the transfer of PUC No. 1240-I from L. S. Hunt, doing business as "Hunt Transfer & Grain Co.," Valley, Nebraska, to H. E. Green and E. L. Smith, doing business as "Valley Transfer & Grain Co.," Valley, Nebraska, be, and the same hereby is, set aside, vacated, and held for naught, and the Secretary of the Commission is instructed to amend the records and files of the Commission to show that said L. S. Hunt is the owner of PUC No. 1240-I.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of August, 1945

JH

(Decision No. 24863)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF THE PURE SPRINGS WATER SUPPLY COMPANY FOR AUTHORITY TO DISCONTINUE CERTAIN SERVICE AND SALES OF WATER TO CERTAIN CONSUMERS.	)))))	INVESTIGATION AND SUSPENSION DOCKET NO. 259

August 21, 1945.

S T A T E M E N T

By the Commission:

By Decision No. 23047 of December 19, 1944, the Commission suspended until May 1, 1945, the effective date of the proposed discontinuance of water service and sales to customers on what is known as the Ordway Line of the Pure Springs Water Supply Company, of Fowler, Colorado. Subsequently, by Decision No. 24419, of April 27, 1945, the effective date was further postponed until August 29, 1945.

It appearing that the Commission will be unable to complete its investigation of the proposed abandonment of service before August 29, 1945; and the Commission having been informed that said line serving the said consumers will be in need of water service during the season of 1945; and,

It further appearing that the interest of the protestants and the public generally would be injuriously affected if proposed abandonment of said respondent's service were not postponed beyond August 29, 1945:

O R D E R

IT IS ORDERED:

That the effective date for the discontinuance of said water service as proposed, be suspended for an additional period of one hundred twenty (120) days from August 29, 1945, or until December 27, 1945, unless otherwise ordered.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid notice of discontinuance of water service by the said Pure Springs

Water Supply Company, and copies hereof be forthwith served on John A. McClaren, as President of The Pure Springs Water Supply Company, at Fowler, Colorado, and on Harry E. Mast, Ordway, Colorado, as attorney for the protestants.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of August, 1945.

BH

(Decision No. 24864)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
HOWARD C. THOMPSON, GREELEY, COLORADO,) APPLICATION NO. 2273-AB
FOR AN EXTENSION OF PUC NO. 774.)

August 23, 1945.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant; T. A. Stockton, Jr., Esq., Denver, Colorado, for Yockey Truck Line, Dewey Bibbey and J. J. Stroh.

S T A T E M E N T

By the Commission:

On March 24, 1945, applicant filed his application for an extension of PUC No. 774, asking that he be given authority to transport, as a common carrier by motor vehicle for hire, on call and demand, the following:

> Livestock between points within a 20-mile radius of Kersey, Colorado, and between points in said area on the one hand, and points in the State of Colorado, on the other hand.

It appears that applicant is now the owner of Certificate No. 774 by virtue of Decision No. 24145, dated February 8, 1945, which authorizes the following service:

> Transportation of livestock from point to point in the territory within a radius of fifteen miles of Kersey, Weld County, Colorado, and also the transportation of livestock from auction sales pavilions in and about Greeley, Colorado, over Highway No. 85, from Greeley to Denver, and from Denver, Colorado, over U. S. Highway No. 85 to points within a radius of fifteen miles of Kersey, Colorado, with authority to use State Highway No. 37 from Kersey to point of intersection with U. S. Highway No. 6 (three miles east of Hudson), and said Highway No. 6 from said point of intersection to Denver, and return, in addition to the right to use U. S. Highway No. 85.

Applicant, testifying in his own behalf, stated that he had been in the trucking business for 17 years, and for the past 7 years operated PUC 520,

which he recently sold to Ray Reed. He further stated that under his present authority he can serve his customers only locally around Kersey and to Denver; that his patrons frequently require service to other towns in the state; that many demands have been made for his service by livestock producers and buyers beyond the 15-mile radius; that he has had many calls from the Windsor and Johnstown areas and has moved considerable stock under the Schaefer authority, who is located at Windsor. He also stated that he had many calls for service from Briggsdale to Denver, all of the above calls being within the 20-mile radius. He feels that in order to give proper service to his community, he requires the additional authority herein requested, and contends that the public convenience and necessity require the granting of the application.

Mr. Campbell, of Greeley, who operates farms at Gilcrest and Kersey, and a farm six miles east of Galeton, also a salesyard west of Evans, stated that he handled 20,000 sheep and 1500 to 2000 head of cattle a year, and many horses. He further stated that he needed service to Denver and all points in Colorado, and felt that farmers were entitled to a complete farm service; that Thompson had taken care of his business where authorized to serve and during the rush season Thompson was very busy; that there had been occasions during the slack season when he had to wait three or four days for service; that it was his custom to meet the Monday market in Denver, and at times he had experienced difficulty in obtaining trucks.

Irving Middleton, who operates a salesyard at Greeley, stated that he had used all authorized carriers in his area and pronounced all operators good when he could get them. He stated further that he felt their area received as good service as any portion of the state; that this is one of the heavy shipping points in the state and calls for a large amount of equipment; that during the fall months, he had experienced a few slight delays in the past.

Mr. Robertson, of Fort Collins, who farms and feeds livestock in his area, and who buys cattle to be fed and later sells, has used service of applicant, who has given excellent service. He stated he felt it would be desirable to have applicant's service to all points in the state and especially to Denver.

P. Brown, a farmer and stockfeeder who lives near LaSalle, Colorado, and feeds from 1500 to 2000 head of cattle, stated he needs an in-and-out service; that he has used Thompson in the past and would like for him to have authority to go where he wants to go; that he had experienced a few delays in getting service, especially from September 1 to June 1; that most of the delays were not for over two days. His general complaint was that where he had to hold cattle, he had the additional feed cost occasioned by the delay.

Mr. Frank Fox and Jack Jones, of Greeley, and A. W. Avery of Eaton, Colorado, all testified as to their desire for applicant's service, stating that they shipped mostly to Denver, with occasional shipments to other points in the state; that they had experienced some delays, but stated "generally, service has been good;" that they had used applicant's service in the past and would like to be in position to use his service in the future.

Ralph Yockey, of the Yockey Truck Line, who operates under PUC 626 and holds authority in this territory, testified that they operate 10 units in the area and exchange with Boulder and Fort Collins operators when additional equipment is needed; that they have received no complaints as to their service, and for the greater portion of the year they have equipment idle; that they have been able to give service generally within 24 hours from time of notification, and in his operation knew of no delay as long as 48 hours. He further stated that he felt there was ample equipment in the territory, and any new or extended operation would take business away from them, and any loss of business would impair the efficiency of their operation because they would have to cut down their equipment.

J. J. Stroh, of Greeley, who holds PUC 518 and who has authority to serve in part of the area, stated that he also had equipment idle part of the time; that he operates three trucks and one truck generally is available at all times; that if there were more business in the territory, he was financially able to add more equipment to his operation.

Dewey Bibbey, of Greeley, who holds PUC 535 and operates two stock

trucks, stated that one truck was idle most of the time, and he felt the proposed operation would take some of his business which he needed to maintain his present operation.

Ray Reed, of Greeley, who recently purchased Certificate No. 520 from Mr. Thompson, authorizing service he now seeks to perform, stated that service is adequate, and he thought Mr. Thompson's desire to complete with him and other carriers wasn't exactly "good cricket" and shouldn't be satisfied.

In reviewing the evidence submitted at the hearing, it appears that nearly all witnesses indicated they had good service and many admitted they had the best common carrier service in the state. This is a fine tribute to the carriers serving the area. Applicant is at present one of the authorized carriers in this area, and from the evidence it appears that he is an excellent carrier and has many patrons who like and rely on his service and who know about and request his service to points beyond his authority. The evidence, however, does not show that the present common carrier service is inadequate, and we feel that by extending his territory and service, he would take business away from other carriers, and loss of business by other carriers, we believe, would impair their service. Moreover, the applicable rule is that where common carrier service is adequate, or can be made adequate, a competing service should not be authorized. We believe here, service is adequate, and we cannot grant application merely because applicant wants to extend his service, or because some people who like the service he has furnished under a purported lease to or emergency letter from another carrier, would like to have him available. If he wanted to furnish such service, he should have retained the certificate. It therefore follows that after careful consideration of the record, the Commission finds that the authority sought should be denied.

O R D E R

THE COMMISSION ORDERS:

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of August, 1945.
BH

(Decision No. 24865)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE INTERMOUNTAIN ELEVATOR COMPANY, DENVER, COLORADO, FOR THE REOPENING OF THE CROSSING AT THE RICKELS ROAD OVER THE UNION PACIFIC RAILROAD TRACK BETWEEN SAND CREEK AND ADAMS CITY.	APPLICATION NO. 7001 (Supplemental Order)

August 23, 1945

Appearances: Albert J. Gould, Esq., Security Building, Denver 2, Colorado, for Applicant;
Mr. A. F. Hewitt, State Highway Engineer, State Office Building, Denver 2, Colorado, for Colorado Highway Department;
E. B. Evans, Esq., Denver 2, Colorado, for The Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

On July 31, 1945, this Commission issued its Decision No. 24792 in the above entitled proceeding, wherein it authorized the opening of a crossing over the old Rickels Road north of Denver, Colorado, at the point described in said decision.

The files and records in Application No. 5268 were made a part of the record in this case, and therefrom it appears that the automatic crossing signals, which had been maintained by the Union Pacific Railroad Company for a number of years prior to the entry of Decision No. 14098 in said application, were constructed and maintained by the Union Pacific Railroad Company at its own expense. In Decision No. 24792, this Commission inadvertently failed to make any findings as to who was to bear the expense of the construction and maintenance of the crossing and of the installation and maintenance of automatic signals thereat, or any order concerning such expenses.

In view of the fact that the Union Pacific Railroad Company, prior to the entry of Decision No. 14998 in Application 5268, bore all the expenses incident to the maintenance of said crossing and automatic signals, the Commission now finds that the Union Pacific Railroad Company should bear the expense incident to the construction and maintenance of the crossing authorized in Decision No. 24792, and of the installation and maintenance of the automatic signals thereat.

O R D E R

IT IS ORDERED:

That the order part of Decision No. 24792 shall be amended nunc pro tunc to read as follows:

That a highway crossing at grade be, and the same is hereby, permitted to be opened and established across the right of way and tracks of the Union Pacific Railroad Company at a point designated as Mile Post 5.43, said point being on the section line between Sections 6 and 7, Township 3 South, Range 67 West, in Adams County, Colorado; provided, that, prior to the opening of said crossing, it shall be constructed at the expense of the Union Pacific Railroad Company in accordance with the Commission's plans and specifications relating to grade crossings; provided, further, that the applicant, The Intermountain Elevator Company, and Omar, Inc., shall construct a stop or warning sign to be approved by the State Highway Department of the State of Colorado and the Engineer of this Commission, to be erected at a point east of the easterly track of the Union Pacific Railroad Company at said crossing, and to construct and erect fences from the plants of said applicant and Omar, Inc., east of the approach roads from Rickels Road to said plants which are immediately east of said Union Pacific Railroad tracks, which fences shall be connected to said warning or stop sign; and provided, further, that automatic warning signals shall be installed and thereafter maintained at the expense of the Union Pacific Railroad Company at said crossing, and a customary railroad

crossing sign shall be erected west of the tracks of the Union Pacific Railroad Company for the protection of persons using said crossing.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

(Decision No. 24866)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF CLARENCE L. COPPER, 503 NORTH PIKES PEAK, FLORENCE, COLORADO, FOR AUTHORITY TO EXTEND HIS OPERATIONS UNDER PERMIT NO. B-3133.	)	APPLICATION NO. 6740-PP-BB

August 23, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend his operations under Permit No. B-3133 to include the right to transport sand and gravel from point to point within a forty-mile radius of Florence, Colorado, on all highways — U. S. No. 50, Colorado Nos. 67, 96, 143, 276, 69, 120, and 115.

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

Findings.

The Commission Finds:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Clarence L. Copper, Florence, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-3133 to include the right to transport sand and gravel from point to point within a forty-mile radius of Florence, Colorado, on all highways — Nos. U. S. 50, Colorado 67,

96, 143, 276, 69, 120, and 115.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of August, 1945.

BH

(Decision No. 24867)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF E. T. WALKER, DOING BUSINESS AS WALKER TRUCK SERVICE, AND RICHARD E. CONOUR AND ELIZABETH A. CONOUR FOR APPROVAL OF ENCUMBRANCE ON CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 1251.	P.U.C. NO. 1251 (Application for Approval of Extension of Mortgage.)

August 23, 1945.

Appearances: Conour and Conour, Del Norte, Colorado, for applicants.

S T A T E M E N T

By the Commission:

On July 16, 1945, the above-styled matter was filed with the Commission, asking for an order authorizing and approving the placing of an encumbrance on certificate of public convenience and necessity No. 1251 for a further term of one year from June 29, 1945.

It appears that, heretofore, on June 29, 1944, applicant Edward T. Walker executed and delivered to Richard E. Conour and Elizabeth A. Conour his certain promissory note for the principal sum of $800.57, together with a certain agreement of mortgage to secure payment of such note, upon the certificates of public convenience and necessity heretofore issued by the Commission to the applicant Walker and his predecessors in interest bearing Nos. "Colo. P.U.C. 1251 and 1251-I," which said mortgage was duly approved by this Commission on July 19, 1944, by Decision No. 22484.

It further appears that no part of said note or the interest thereon has been paid; that the parties hereto have executed and delivered an extension agreement, extending said note and mortgage in all their terms and provisions for a further period of one year. The terms of said extension agreement are set forth in copy thereof attached to the application, which by reference is made

a part hereof.

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

O R D E R

IT IS ORDERED:

That the action of Albert T. Walker and Richard E. Conour and Elizabeth A. Conour, applicants herein, extending the mortgage and note on certificates of public convenience and necessity Nos. 1251 and 1251-I for a further term of one year from June 29, 1945, be, and the same hereby is, ratified, confirmed and approved.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of August, 1945.

BH

(Decision No. 24868)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
E. D. HOLMES, DOING BUSINESS AS LEAD-)
VILLE TAXI SERVICE, FOR AUTHORITY TO) APPLICATION NO. 4252-ABA
TRANSFER CERTIFICATE NO. 1185 TO SAM)
HUNNICUTT, DOING BUSINESS AS LEADVILLE)
TAXI SERVICE, LEADVILLE, COLORADO.)

August 23, 1945.

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Transferor
and Transferee.

S T A T E M E N T

By the Commission:

On December 20, 1940, E. D. Holmes, of Leadville, Colorado, became the owner of Certificate No. 1185 by Decision No. 15700, with authority to operate a taxicab service in Leadville, Colorado, and between Leadville and points outside thereof. In the instant application, he seeks authority to transfer the aforesaid certificate of public convenience and necessity to Sam Hunnicutt, doing business as "Leadville Taxi Service," Leadville, Colorado.

At the hearing in Denver, Colorado, on July 18, 1945, it appeared that the consideration for said certificate, together with one 1937 Chrysler 7-passenger sedan and one 1940 Plymouth 5-passenger sedan, is the sum of $3200.00, of which amount $1700.00 has been paid in cash and the balance of $1500 is to be placed in escrow with T. A. Stockton, Jr., to be paid to the Vendor when the Public Utilities Commission has granted authority for the transfer herein.

It also appeared that all outstanding and unpaid obligations against said operation will be taken care of out of the funds now held by escrow holder above named; that ton-mile tax deposit is to be transferred to account of transferee.

The operating experience and pecuniary responsibility of transferee were established to the satisfaction of the Commission, he having been engaged in a similar operation for a period of two years in Salida, Colorado.

The matter was taken under advisement.

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

O R D E R

THE COMMISSION ORDERS:

That E. D. Holmes, doing business as "Leadville Taxi Service", Leadville, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to certificate of public convenience and necessity No. 1185 to Sam Hunnicutt, doing business as "Leadville Taxi Service", Leadville, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

That ton-mile tax deposit of transferor be transferred to account of transferee.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of August, 1945.

BH

Original

(Decision No. 24869)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF J. E. DuBOIS, DOING BUSINESS AS GATEWAY COAL AND TRANSFER COMPANY, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 6919

August 23, 1945.

Appearances: J. E. DuBois, 101 East 5th St., Loveland, Colorado, pro se;
Gladys Henderson, Loveland, Colorado, for Denver-Loveland Transportation Company;
Lloyd Allen, 743, West 10th St., Loveland, Colorado, pro se;
C. H. Capron, 514 - 7th St., Greeley, Colorado, for Capron Truck Line;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
Ralph E. Yockey, Boulder, Colorado, for Yockey Brothers;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

The above-styled application was set for hearing, and heard, at Fort Collins, Colorado, on Thursday, April 19, 1945.

It there appeared that applicant seeks a certificate of public convenience and necessity which would authorize him to operate as a common carrier by motor vehicle, on call and demand, for the transportation of building materials, telephone poles and wire, coal, feed, and grain, from point to point within a 20-mile radius of Loveland, also household goods and furniture within a radius of six miles of Loveland, Colorado.

The evidence disclosed that applicant is now the holder of Permit B-1924, which authorizes the transportation of building materials, telephone poles and wire, coal, feed and grain, from point to point within a 20-mile radius of Loveland, Colorado. He now desires that in addition to this "B" authority,

he be given household goods and furniture within a six-mile radius of Loveland, Colorado.

He stated that he had complete equipment for moving and had had many calls for service; that he owns a warehouse in Loveland for storage of furniture and had been in the transfer business since 1908; that Lloyd Allen did most of the furniture hauling in Loveland, but for the past year had been busy hauling coal and had not been able to take care of the moving business properly, and he felt he should be allowed to enter the moving business and have his "B" permit changed to a certificate of public convenience and necessity. He further stated that it was inconvenient to notify the Commission every time a new customer was added; that if the Commission grants him the authority asked for, he is willing to have his private carrier permit cancelled, but if the Commission does not give him all the authority he requests, he would rather retain his present permit.

Lloyd Allen, of Loveland, holder of PUC No. 498, who has been in Loveland for the past twelve years and operates five pieces of equipment, stated that he had in the past specialized in the moving business; that during the past winter, he had experienced difficulty in getting competent help, as several of his employes had been taken into the armed forces, and he had been unable to secure adequate help; that this resulted in delayed service; that within the past couple of months, he had secured competent help and has been, and now is, able to give prompt and satisfactory service.

Mrs. Gladys Henderson, who is connected with the Denver-Loveland Transportation Company, stated that they had six pieces of equipment and were equipped to handle the moving of household goods and furniture; that they had been able to give prompt service for the past year and had had very few complaints. She further stated that this business was needed by them in order to give adequate service; that their equipment was idle part of the time, and the additional authority asked for by applicant would force them to take some of their equipment

out of service.

C. H. Capron, of the Capron Truck Line, and M. S. Webber, testified as to the present service for movement of grain and building materials, and stated that they had between them thirteen pieces of equipment which were not kept busy, and felt there was no need for additional service, especially in the hauling of grain and feed.

From the evidence submitted, it appears that the service of the common carriers in most respects is adequate, and if all authority sought by applicant is granted, it would impair the efficiency of the common carrier service in the area applicant proposes to serve, which would not be in the public interest. Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be denied.

O R D E R

IT IS ORDERED:

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of August, 1945.

BH

(Decision No. 24870)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLIFFORD L. MYERS, 3175 WEST WALSH,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 7013-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

August 24, 1945

Appearances: Clifford L. Myers, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was heard, pursuant to prior setting, in Denver, Colorado, on July 27, 1945, and taken under advisement.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of scrap iron and scrap metal between points within a radius of twenty miles of Denver, Colorado.

It appeared that applicant is experienced in the handling of junk; that he knows how to sort and grade scrap iron and scrap metal; that he has a long wheel-base truck, winch-equipped; that said junk, iron, and metal move to junk yards in Denver, and from junk yards to loading points and markets in said radius.

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

No one appeared in opposition to the granting of the authority sought, and it did not appear that the proposed operation would impair the efficiency of any authorized motor vehicle common carrier service.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed operation will not impair the efficiency of any authorized motor vehicle common carrier service, and that the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Clifford L. Myers, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of scrap iron and scrap metal between points within a radius of twenty miles of Denver, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 24th day of August, 1945.

Commissioners.

(Decision No. 24871)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN HUGHES, JR., BOX 68, WOODLAND PARK, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7012-PP

August 25, 1945

Appearances: J. H. Hughes, Woodland Park, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

The above-styled matter was heard, pursuant to prior setting, at Denver, Colorado, on July 27, 1945, and taken under advisement.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of logs and sawmill products between points within a radius of fifty miles of Winter Park, Colorado.

At the hearing, it appeared that he has two trucks and a trailer; that, primarily, he desires to haul logs over mountain trails and roads from timber camps in the National Forest to sawmills at Winter Park and such other places as customers may require; that said logs are processed at said mills and, ordinarily, the products thereof move by rail to consuming points; that, on rare occasions, in emergencies, customer must move a load of lumber to some point where it is immediately required to continue with, or complete, a construction job; that his customer wants him to be in a position to handle such movement, if necessary; that persons regularly engaged in the transportation of freight on call and demand or line-haul service have not furnished the service required; that, apparently, they do not desire so to do,- probably because they do not have in their employ men who are familiar

with logging operations and who have the necessary knowledge of such operations to handle the business adequately; that such carriers, if conveniently available, could handle movement of loads of lumber, if such service is required, from the mill to some consuming point; that operater has not found it practical to use such service, and has not been able to obtain it readily or quickly.

Grand County Transportation Company, by letter and formal motion, filed July 25, 1945, asked that said hearing be continued. The motion was denied, due to the distance that applicant must travel in order to reach Denver for the hearing and inability to notify him of postponement in the event that a continuance had been granted.

Upon the record made, it would seem that no useful purpose would be served by setting said matter for further hearing. The Commission has heard similar applications in the past, and has granted the authority over the objection of Grand County Transportation Company because it has not appeared that the company has authority to furnish adequate service for timber camps. The movement of lumber from the mill to other points is infrequent. Whenever possible, the company prefers to ship by rail. It is only in emergencies that such service is required, and in emergencies it is not convenient to wait until such time as a truck can be obtained from Kremmling.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed operation will not impair the efficiency of any adequate motor vehicle common carrier service in the territory; that the permit sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That John Hughes, Jr., Woodland Park, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by

motor vehicle for hire for the transportation of logs and sawmill products between points within a radius of fifty miles of Winter Park, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 25th day of August, 1945.

Commissioners

(Decision No. 24872)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLIFFORD D. HUMPHREY, 42 SO. MADISON, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7011-PP

August 25, 1945

S T A T E M E N T

By the Commission:

The above-styled matter, pursuant to prior setting and notice to all parties in interest, was heard in Denver, Colorado, on July 27, 1945, and taken under advisement, notwithstanding applicant failed to appear.

At the hearing, it appeared that applicant seeks authority to transport farm produce during harvest season, only, from farms in Adams, Weld, Morgan, Logan, Sedgwick, and Phillips Counties to market points or storage points in said area; coal from mines in the Northern Colorado coal fields to Denver; sand, gravel, and other materials used in making up the surface of the roads, between points within a radius of fifty miles of Denver, Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties.

No one appeared in opposition to the granting of the authority sought.

It did not appear that the proposed operation will impair the efficiency of any authorized common carrier motor vehicle service operating in the territory where applicant seeks to serve.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed operation will not impair the efficiency of any authorized motor vehicle common carrier service, and that said application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Clifford D. Humphrey, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce during harvest season, only, from farms in Adams, Weld, Morgan, Logan, Sedgwick, and Phillips Counties to market points or storage points in said area; coal from mines in the Northern Colorado coal fields to Denver; sand, gravel, and other materials used in making up the surface of the roads, between points within a radius of fifty miles of Denver, Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties.

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

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

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

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

This order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 25th day of August, 1945

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

(Decision No. 24873)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
RALPH DUNN, ROUTE 4, GRAND JUNCTION,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 6422-PP-BA
PERMIT NO. B-3098 TO ROY J. BELL,)
ROUTE 4, GRAND JUNCTION, COLORADO.)

August 25, 1945.

S T A T E M E N T

By the Commission:

Heretofore, Ralph Dunn, pursuant to authority contained in Decision No. 21324, of date September 1, 1943, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> Ore between points within a radius of 40 miles of Gateway, Colorado, including the right to transport mining supplies from Gateway to those mines from which he is transporting ore.

By authority of the Commission (Decision No. 22681), of date September 8, 1944, said operating rights were extended to include the right to transport:

> Lumber over U. S. Highway No. 50 and Colorado Highways Nos. 6 and 141 between LaSalle sawmill, located 14 miles south of Gateway, Colorado, on Grazing Service Survey Road, known as "John Brown Canon Road," and Grand Junction, Colorado.

Said permit-holder now seeks authority to transfer said operating rights (Permit No. B-3098) to Roy J. Bell, Grand Junction, Colorado.

Inasmuch as the files of the Commission show that said permit is in good standing; that road tax has been paid, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who could be heard in opposition to the transfer of said permit, the Commission has determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

Findings

THE COMMISSION FINDS:

That the authority sought to transfer Permit No. B-3098 should be granted, and that ton-mile tax deposit be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That Ralph Dunn, Grand Junction, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3098 to Roy J. Bell, Grand Junction, Colorado.

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

That ton-mile tax deposit of transferor be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1945.

BH

(Decision No. 24874)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. L. COX AND LEROY COX, A PARTNERSHIP, DOING BUSINESS AS "J. L. COX & SON," RAYTOWN, MISSOURI, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 7026

August 23, 1945

Appearances: Carl V. Kretsinger, Esq., Waltower Building, Kansas City, Missouri, for applicant;
John Q. Dier, Esq., Denver, Colorado, for The A. T. & S. F. Ry Co., C. B. & Q. R. R. Co., C. & S. Ry Co., Trustees of The D&RGW RR Co., The D&SL Ry Co.;
Truman Stockton, Jr., Esq., Denver, Colorado, for Watson Truck Line, Comet Motor Express;
Marion F. Jones, Esq., Denver, Colorado, for Dawson-Corbett, Nelson Brothers, Leonard Gray;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company;
Sylvester Horn, Esq., Denver, Colorado, for Walter Utzinger;
Ralph L. Carr and Wilbur L. Rocchio, Esqs., Denver, Colorado, for Tyrrell Oil Field Trucking Company.

S T A T E M E N T

By the Commission:

The above-styled matter, after appropriate notice, was heard at Craig, Colorado, on August 8, 1945, and taken under advisement.

By application filed on June 14, 1945, as amended at the hearing, applicants J. L. Cox and LeRoy Cox, co-partners, doing business as "J. L. Cox & Son," herein seek a certificate of public convenience and necessity to operate as motor vehicle common carriers in intrastate and interstate commerce, for the transportation of pipe, pipeline materials, machinery and equipment incidental to and used in connection with the construction, maintenance or dismantling of gas, gasoline and oil pipelines over irregular routes, between pipeline rights-of-way in the

State of Colorado, and from and to said pipe line rights-of-way, to and from points in the State of Colorado.

At the hearing, it appeared that applicants, for many years, have been engaged in stringing and laying pipe for transportation of oil and gas in numerous oil-producing areas in the United States, and from said areas, to refineries and markets in the United States. They have interstate authority in forty-two states and the District of Columbia. They have assets of $123,503.39, and no liabilities except capital advanced by the partners. They have thirty-one trucks, twenty-three of which are equipped with pole trailers, being "gin trucks," fifteen caterpillars, six automobiles, and a jeep, all equipment now, and at all times, being in first-class condition. Their employees are experienced men, qualified to perform the special trained service required in stringing pipelines. They know how to operate the special equipment required for this work. Some of them have been with Cox twenty-five years. Thirty of those men are paid throughout the year -- notwithstanding they may not be employed -- because it is necessary to maintain an organization of trained personnel. The laying of pipelines across country is a specialized line of work. Ordinarily the lines are located at considerable distance from railroad, and are, at times, constructed in inaccessible, rough, hazardous country, where even trucks cannot operate under their power. Frequently it is necessary to construct roads, and to move trucks by means of caterpillars. Caterpillar tractors also are used to unload from trucks. These men, besides knowing where and how to place the pipe, after the job is completed, must know what and where to pick up -- that is, excess pipe and other scrap which must be hauled to storage points designated by contractor. Some pipe is fifty feet in length, and made of light material, which requires careful and special handling. Some pipe is hauled to a place where it is reconditioned and reclaimed, and must then be hauled back to the line. This, and some slight amount of hauling on the job and between jobs, makes up the small amount of intrastate hauling ordinarily involved in a pipe-laying contract. Practically all the work is interstate work, because

it involves transportation of pipe from railway rights-of-way to the job. Most of the truck hauling is not over highway, for ordinarily seventy per cent of the transportation work involved in a contract is cross-country hauling, for the line is constructed "as the crow flies." For instance, the Utah Refining Company line now being constructed from the Rangely Field extends from Rangely almost due north to Wamsutter, where it connects with Utah Refining Company Line. It is about forty miles west of Craig. Practically no highways extend north and south through the area. While the railroad can haul the pipe to the nearest railhead, it could perform but a small amount of the service necessary in the State of Colorado.

It also appeared that many oil companies are blocking structures in the State of Colorado, and that they expect other operations to be under way in the near future. At Rangely, an extensive gathering system must be constructed.

J. B. Jorlman, representing the Stanolind Pipeline Company, and J. C. Jackson, Field Officer for John B. Sherban Pipeline Construction Company, testified in support of the application. They explained the way the pipeline construction contracts are ordinarily handled; that it is necessary to have capable substantial and responsible pipeline stringers to handle the work; that over-the-road service by line-haul carriers was not practical or convenient; that the movements from other pipeline jobs and field storage warehouses of oil companies cannot conveniently or expeditiously be handled by rail or combination rail and truck service; that Cox is perhaps the best pipeline stringer in the United States; that it is not only necessary, but convenient and economical; that stringer should have intrastate, as well as interstate, authority, in order that he may perform a complete, economical, adequate, and prompt service. They contemplate that soon other pipelines will be constructed in the State.

The application, as limited, was not opposed by any protestants other than the rail carriers. The rail carriers contended that the railroads needed the business; that truck services should be limited to local hauls; that pipe should move from location to the nearest railhead, thence by rail to the rail station nearest the proposed construction job, and thence by truck to the field.

We agree with applicant. We think that the method of service proposed by the railroad is not convenient, and is economically unsound. The oil companies and the pipeline companies want prompt service. They are entitled to it. They maintain a large force of men in the field, and there must not be any delay in the supplying of the pipe when construction work starts. Practically all the pipe will move by rail to the railhead. It would seem that the small amount of pipe that will be hauled from some point in the state to the construction project, or between construction projects in emergencies, should move by truck, if the shipper so desires — at least he should have the right to determine whether the rail service, under the circumstances, is or is not adequate, and should have alternate service by truck, if he desires it.

See our decision Re Miller, Application No. 7040, et al.

Findings

The Commission Finds:

That the rail service or combination rail-truck service is not adequate to meet the needs of the oil-producing companies, and pipeline stringers; that the public convenience and necessity require the proposed service of applicant, as set forth in the Statement preceding, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the common carrier motor vehicle transportation service of applicants, in intrastate and

interstate commerce, for the transportation of pipe, pipeline materials, machinery and equipment incidental to and used in connection with the construction, maintenance or dismantling of gas, gasoline and oil pipelines over irregular routes, between pipeline rights-of-way, to and from points in the State of Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor, interstate authority to be subject to the provisions of the Federal Motor Carrier Act of 1935.

The applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

The applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of August, 1945

JH

(Decision No. 24875)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
PARK HETZEL, JR., DOING BUSINESS AS)
"LAWRENCE TRANSFER AND STORAGE)
COMPANY," LAWRENCE, KANSAS, FOR)
AUTHORITY TO TRANSFER, BY LEASE, A) PUC NO. 1390-I
PORTION OF INTERSTATE OPERATING)
RIGHTS TO OTTO R. SHULTZ, DOING)
BUSINESS AS "SHULTZ TRUCK LINES,")
1639 MASSACHUSETTS, LAWRENCE, KANSAS.)

August 25, 1945.

S T A T E M E N T

By the Commission:

Heretofore, Park Hetzel, Jr., doing business as "Lawrence Transfer and Storage Company," Lawrence, Kansas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire in interstate commerce, and PUC No. 1390-I issued to him.

Said certificate-holder now seeks authority to transfer, by lease, to Otto R. Shultz, doing business as "Shultz Truck Lines," Lawrence, Kansas, for a term commencing on the 1st day of March, 1945, and ending on the 1st day of March, 1955, that portion of said operating rights authorizing the transportation of:

> Seeds between Lawrence, Kansas, on the one hand, and on the other, Denver, Colorado; from Lawrence, Kansas, to Oklahoma City and Muskogee, Oklahoma, with no transportation for compensation on return, except as otherwise authorized.
>
> Canned goods from Lawrence, Kansas, to Oklahoma City, Oklahoma, Denver, Colorado, and Lincoln and Omaha, Nebraska, with no transportation for compensation on return, except as otherwise authorized.
>
> Trees, shrubs, and nursery stock, between Lawrence, Kansas, on the one hand, and, on the other, St. Joseph, Missouri.
>
> Mill Feed, salt, and grain, between Lawrence, Baldwin, and Olathe, Kansas, on the one hand, and, on the other, St. Joseph, Missouri.

Pipe Organs, from Lawrence, Kansas, to points and places in Oklahoma, Nebraska, Iowa, and Missouri, with no transportation for compensation on return, except as otherwise authorized,

according to the terms and conditions set forth in Contract entered into between said parties on February 26, 1945.

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

Findings

The Commission Finds:

That said transfer, by lease, should be authorized, subject to approval of the Interstate Commerce Commission.

O R D E R

THE COMMISSION ORDERS:

That Park Hetzel, Jr., doing business as "Lawrence Transfer and Storage Company, Lawrence, Kansas, be, and he hereby is, authorized to transfer, by lease, to Otto R. Shultz, doing business as 'Shultz Truck Lines," Lawrence, Kansas, for a period commencing on the 1st day of March, 1945, and ending on the 1st day of March, 1955, in accordance with terms of Contract entered into between said parties on February 26, 1945, that portion of his interstate operating rights described in the Statement preceding, which, by reference, is made a part hereof, said authorization to be subject to the provisions of the Federal Motor Carrier Act of 1935.

That Park Hetzel, Jr., doing business as "Lawrence Transfer and Storage Company," shall retain the number "PUC No. 1390-I," new certificate number to issue to Otto R. Shultz, doing business as "Shultz Truck Lines."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1945.

BH

(Decision No. 24876)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
EFFIE MAY RUSSELL, DOING BUSINESS AS)
"RUSSELL FREIGHTWAYS," DOUGLAS,)
WYOMING, FOR AUTHORITY TO TRANSFER) PUC NO. 465-I
INTERSTATE OPERATING RIGHTS TO)
RINGSBY TRUCK LINES, INC., DOING)
BUSINESS AS "RUSSELL FREIGHTWAYS,")
3262 BLAKE STREET, DENVER, COLORADO.)

August 25, 1945.

S T A T E M E N T

By the Commission:

Heretofore, Effie May Russell, doing business as "Russell Freightways," Douglas, Wyoming, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire in interstate commerce, and PUC No. 465-I issued to her.

Said certificate-holder now seeks authority to transfer said operating rights to Ringsby Truck Lines, Inc., a corporation, doing business as "Russell Freightways," Denver, Colorado.

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

Findings.

The Commission Finds:

That the authority to transfer sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Effie May Russell, doing business as "Russell Freightways," Douglas, Wyoming, be, and she hereby is, authorized to transfer all her right, title, and interest in and to PUC No. 465-I to Ringsby Truck Lines, Inc.,

a corporation, doing business as "Russell Freightways,"Denver, Colorado, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1945.

BH

Original

(Decision No. 24879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. L. MILLER, DOING BUSINESS AS "E. L. MILLER TRUCK LINE," 4740 SOUTH SHIELDS, OKLAHOMA CITY, OKLAHOMA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 7040
IN THE MATTER OF THE APPLICATION OF L. C. JONES, DOING BUSINESS AS "L. C. JONES TRUCKING COMPANY," SOUTH-EAST 29TH STREET, OKLAHOMA CITY, OKLAHOMA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 7039
IN THE MATTER OF THE APPLICATION OF MAX DAWSON AND WESLEY CORBETT, DOING BUSINESS AS "DAWSON & CORBETT," RAWLINS, WYOMING, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 7024
IN THE MATTER OF THE APPLICATION OF C. A. NELSON AND ARTHUR BURGESS, DOING BUSINESS AS "NELSON BROTHERS," COLORADO SPRINGS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 7028
IN THE MATTER OF THE APPLICATION OF C. L. TYRRELL AND VIVIAN MAY TYRRELL, DOING BUSINESS AS "C. L. TYRRELL OIL FIELD TRUCKING COMPANY," CHASE, KANSAS) FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 7027
IN THE MATTER OF THE APPLICATION OF LARSON TRANSPORTATION COMPANY, A CORPORATION, STEAMBOAT SPRINGS, COLORADO, FOR AUTHORITY TO EXTEND ITS OPERATIONS UNDER PUC NO. 331.	APPLICATIONS NOS. 1208-BBB 1678-BB
IN THE MATTER OF THE APPLICATION OF COMET MOTOR EXPRESS CO., A CORPORATION, CRAIG, COLORADO, FOR AUTHORITY TO EXTEND ITS OPERATIONS UNDER PUC NO. 717.	APPLICATION NO. 2167-BBB

IN THE MATTER OF THE APPLICATION OF LEONARD GRAY, CRAIG, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) APPLICATION NO. 7025

August 23, 1945

Appearances: Walker C. Hay, Esq., Commercial Exchange Building, Oklahoma City, Oklahoma, for Applicants, E. L. Miller Truck Line and L. C. Jones Trucking Company;
Marion F. Jones, Esq., Denver, Colorado, for Applicants Dawson & Corbett, Nelson Brothers, Leonard Gray;
Ralph L. Carr, Esq., Denver, Colorado, and Wilbur E. Rocchio, Esq., Denver, Colorado, for Applicant C. L. Tyrrell Oil Field Trucking Company;
T. A. White, Esq., Denver, Colorado, for Applicant Larson Transportation Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Applicant Comet Motor Express;
Sylvester C. Horn, Esq., Denver, Colorado, for Protestant Walter Utzinger, doing business as J. J. Stanton Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for Protestants Sorenson Truck Service, Golden Transfer;
John Q. Dier, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company, Receivers of The Denver and Rio Grande Western Railroad Company; The Atchison, Topeka, and Santa Fe Railway Company, The Colorado and Southern Railway Company, Chicago, Burlington and Quincy Railway Company, Protestants;
William Mason, Esq., 1017 Colorado Avenue, Glenwood Springs, Colorado, for Protestants Harp Brothers, Janes Brothers;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Protestants Watson Truck Line, Comet Motor Express, North Park Transportation Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

STATEMENT

By the Commission:

The above-styled applications, pursuant to prior setting and appropriate notice, were heard in Craig, Colorado, after consolidation

by consent for that purpose, on August 8 and 9, 1945, and taken under advisement.

When the matters were called for hearing, some amendments were made, and the parties in interest made some statements relative to position as to applications other than their own.

The application of Dawson & Corbett, and the application of Nelson Brothers, with the consent of the Commission, and without objections on the part of protestants, were amended to include a request for same type of service asked to be performed in Moffat, Rio Blanco, Mesa and Garfield Counties, from and to points in said area, to and from points in the State of Colorado, in intrastate and interstate commerce.

C. L. Tyrrell Oil Field Trucking Company, upon conclusion of their testimony in chief, asked leave to amend their request for authority to conform to their interstate authority; that is, to give them the same intrastate authority as respects commodities hauled and type of service, as they have interstate. The amendment, without objection on the part of protestants, was allowed.

Marion F. Jones, for Leonard Gray, complained that Gray had not been served with formal notice of hearing of Larson Transportation Company's application. Since Leonard Gray was present at the hearing, represented by counsel, and prepared not only to present his case, but protest applications similar to that of Larson Transportation Company, the objection was over-ruled.

For the parties whom he represented, Mr. Stockton stated that he objected to all authority sought by applicants, insofar as it conflicted with present or sought-after authority of his clients.

For Larson Transportation Company, Mr. White stated that he had no objection to any authority which involved oil field hauling, only,

but objected to the request of some of the applicants for heavy machinery and other commodities requiring use of special equipment (other than oil field work), between points and places in Colorado, and also specifically objected to Mr. Gray's proposal to furnish line-haul service to the area described as "Rangely Field." If the authority sought is granted, he thought it should be limited to specifically-named points. He also objected to Comet's application for extension, not only to Rangely, but to that part of Comet Application which involves service to points within a five-mile radius of State Highway No. 64, upon the ground that such service also amounted to a line-haul service to an area. Such authority, he contended, in effect, would require all call and demand carriers to charge 120% of the line-haul rate for movements to the field, or to points within five miles of State Highway No. 64.

Thereupon, with the consent of the Commission, Mr. Jones agreed to limit his application by striking out the request for line-haul service to Rangely Field, except as to such specifically-named points in said field as hereafter may be named by Gray in his tariffs, if the authority sought is granted, and subsequently, Mr. Stockton agreed to limit Comet's request for line-haul service to points on State Highway No. 64.

Weicker Transfer and Storage Company, through its representative, A. J. Fregeau, stated that it objected only to the transportation of heavy machinery and other commodities requiring the use of special equipment between all points in the State of Colorado, except the movement of such commodities where incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum.

E. L. Miller Truck Line, L. C. Jones Trucking Company, Dawson & Corbett, Nelson Brothers, C. L. Tyrrell Oil Field Trucking Company, by their representatives, stated that they, respectively, did not object to the granting of other applications.

As amended, the above-named applicants, respectively, seek authority as follows:

E. L. Miller Truck Line and L. C. Jones Trucking Company seek authority to operate as common carriers by motor vehicle for hire for the transportation, in irregular service, of:

> (1) Machinery, materials, equipment, supplies and facilities used in or incidental to, or in connection with:
>
> > (a) The discovery, development, production and preservation of natural gas and petroleum.
> >
> > (b) The construction, dismantling, repair, servicing, and maintenance of pipe lines.
> >
> > (c) The construction, operation, repair, servicing, dismantling and maintenance of facilities for the storage of natural gas, gasoline and petroleum.
> >
> > (d) The construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending gasoline, natural gas and petroleum.
>
> (2) Heavy machinery, heavy and cumbersome commodities which, because of size or weight, require the use of special equipment and parts thereof,
>
> between all points in the State of Colorado.

Dawson & Corbett and Nelson Brothers, severally, ask authority to operate as common carriers by motor vehicle for hire, in irregular service, for the transportation of:

> (1) Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, production of natural gas and petroleum, in intrastate commerce, between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colorado, and from and to points in said Counties, to and from points in the State of Colorado.
>
> (2) The transportation of the same commodities, and heavy machinery and machinery parts, in interstate commerce, between points in the State of Colorado and all State boundary lines, and all intermediate points.

C. L. Tyrrell Oil Field Trucking Company seeks authority to operate as a common carrier by motor vehicle for hire for the transportation, over irregular routes, between all points in the State of Colorado, of:

> (1) Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum.
>
> (2) Heavy machinery and other commodities requiring the use of special equipment.
>
> (3) Oil and gas field equipment, materials, supplies, and machinery.

Larson Transportation Company seeks a certificate of public convenience and necessity to extend its present operations to include:

> (1) the operation of scheduled motor truck service for the transportation of commodities generally, between Craig, Colorado, and Rangely, Colorado, via U. S. Highway 40 and State Highway 64, including all intermediate points, and, as an alternate route, between said Craig, Colorado, and Rangely, Colorado, over State Highways 13 and 64 via Meeker, Colorado, excluding service to intermediate points on said alternate route; and
>
> (2) the operation of cll and demand transportation service by motor vehicle for the transportation of machinery, materials, supplies and equipment incidental to or used in the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum products between all points in the Counties of Moffat, Rio Blanco, Garfield, and Mesa, and from and to all points and places in said counties, to and from Denver, Colorado.

Comet Motor Express Co., Inc., seeks authority to extend its certificate of public convenience and necessity, PUC No. 717, to include:

> service between all points it is presently authorized to serve, on the one hand, and points on Colorado Highway No. 64, between, but not including, Meeker, Colorado, and the point where Colorado State Highway No. 64 intersects U. S. Highway No. 40, near Wiley's Resort, on the other, without the right to transport commodities in competition with any authorized line-haul service of Harp Brothers, on schedule.

Leonard Gray asked for authority to operate as a common carrier by motor vehicle for hire for the transportation of:

general freight (except commodities requiring special equipment other than refrigerated equipment), passengers and their baggage, and express, between Craig and Rangely and intermediate points, and between Craig and such other points in the Rangely Field as hereafter may be designated in tariff of Leonard Gray, on schedule, without the right to serve intermediate points on U. S. Highway No. 40, except for pick-up and delivery to or from points off U. S. Highway No. 40, and transportation of general freight, on call and demand, from Craig to points in Rangely Field.

For convenience, the carriers, in the order named in the captions, hereafter will be referred to as "Miller, Jones, Dawson-Corbett, Nelson, Tyrrell, Larson, Comet, and Gray."

Operators E. L. Miller, L. C. Jones, Wesley Corbett, C. A. Nelson, Arthur C. Burgess, C. L. Tyrrell, and Leonard Gray, testified for themselves.

Representatives of Larson Transportation Company and Comet Motor Express Co., Inc., appeared for their companies. Numerous shipper-witnesses testified. Among others testifying chiefly in support of the proposed call and demand services were T. P. Washington, Assistant Traffic Manager of Phillips Petroleum Company, Tom Martin, Drilling Superintendent for Peete Drilling Company, G. A. Litrow, a tank builder for California Company at Rangely, Otis White, Drilling Superintendent for Parker Drilling Company, George Bohanan, Truck Superintendent for Laughlin Brothers Company, Carl Lee, Division Superintendent for Kerlin Oil Company, Walter Rand, District Superintendent, Production Department, Texas Company, C. E. Wright, Consulting Petroleum Engineer for Ralph M. Parsons Company, a drilling and producing company, Tom Eskridge, a dirt-moving contractor, who described generally the extent of operations in the field, and past difficulties in obtaining service, the need for specialized service, and special equipment, the ability of applicants to furnish the type of service required, the inability of presently authorized operators to furnish that service, the volume of trucking service

that will be required in the future, etc.

It appeared that Rangely Field, which primarily induced the filing of the applications, a known shallow oil field for more than twenty years, is located south of Highway No. 40, about 100 miles by road and 75 miles by air, west of Craig, terminus on The Denver and Salt Lake Railway Company, and about the same distance by road from Rifle, a railhead on The Denver and Rio Grande Western Railroad Company. The Town of Rangely is located on State Highway No. 64, about 17 miles from Wiley's Resort (which is located on U. S. Highway No. 40 near the Utah Line), and 57 miles due west of Meeker (which is at junction of U. S. Highway No. 13 and State Highway No. 64). It is very small, without many dwelling or business houses. Approximately two years ago, a deep well, drilled and capped many years ago, began producing substantially from lower sands. Immediately, a great number of major companies entered the area, and many wells have been drilled in the past eighteen months. The production area has been extended to an area extending about 7 miles north and south, and 4 miles east and west. On day of hearing, 31 wells were being drilled by numerous companies and drilling contractors. All wells drilled to completion to date have been producers. Some effort is being made to widely extend the field, and wells are being drilled in other locations in northwestern Colorado. The Superior Oil Company is now drilling at Trappers Lake, about 35 miles south of Hayden. A well is being drilled by the Stanolind Oil Company a few miles southeast of Meeker, on the so-called "Meeker Dome." Another location is at Skull Creek, which is north of U. S. Highway No. 40. A well is being drilled near Great Divide, about 25 miles northwest of Craig. The Texas Company has a location near Baggs, Wyoming, and others are in prospect, so explorers eventually anticipate that the field may be a large one. All indications point to development of a major field in the area which may produce for at least ten years. Large production, in recent years,

has been developed at Wilson Creek, about 40 miles south of Craig in Rio Blanco County, just south of U. S. Highway No. 40, about 75 miles from Craig. For many years, wells have been producing from Iles Dome and the Hamilton Structure, a short distance south of Craig, and the Tow Creek Structure, in Routt County. California Company, Stanolind, Texas Company, Phillips Petroleum Company, and many other companies, have acreage at Rangely and in other sections of Northwestern Colorado. The Phillips Petroleum Company, for instance, has 3500 acres at Rangely. The 31 wells being drilled require 31 riggs, weighing from 200,000 pounds to 1,000,000,000 pounds each. They have been moved in by truck, and again must be moved--perhaps many times. The 31 riggs now in operation at Rangely will be completed and must be moved about the same time. From 2 to 5 trucks are required to moveeach rigg. They now are not available. C. L. Tyrrell stated that he had been asked to move 4 of the riggs when the wells are completed. Companies are drilling at other locations in the State, and expect to drill additional wells soon. Because of the nature of work and the shifting of oil operations from place to place in and out of the State, state-wide authority for carriers is necessary. If wells are producers, gathering lines, tanks, pipelines, water lines, etc., will be needed. It is impossible to give information in advance of day when it will be necessary to move to a new location, which may be in the same field, or may be many miles distant. It is expected that the development program at Rangely will continue for a period of approximately 18 months. All truck service and rail service now available, and all service proposed by all applicants, will be needed to handle the business properly. Delayed deliveries of tools, casing, parts, supplies, etc., mean shut-downs and heavy expense -- perhaps even a lost hole -- which may cost $100,000.00 or more. Daily expense, which continues whether drilling continues or stops, amounts from $200.00 to $500.00. Most of the service, in volume -- although probably not in speed required -- is interstate in character, for large amounts of pipe and other supplies

arrive by rail. Riggs and equipment therefore ordinarily are trucked in. Perhaps 25% of the service will be intrastate. It is desirable that carrier in the field have both interstate and intrastate authority, in order that he may do all the work required. Miller, Jones, Dawson-Corbett, Tyrrell, Larson, and Comet have such authority. Services of Miller, Jones, Dawson-Corbett, and Tyrrell have been satisfactorily used by major drilling concerns. When considering the volume of business available, local operators have small number of trucks, many of which are not suitable for oil field work. Those that are properly equipped have been fully occupied. They do not have trained personnel.

Mrs. Watson, one of the local carriers, testified that she had been unable to get equipment or men, and that if she were able to get enough trucks to do the job, she would be the rest of her life paying for them. Mr. Washington, before moving Phillips' riggs to the field, contacted local carriers by letter. Only one reply was received, and that carrier suggested company write The Public Utilities Commission for information about tariff, authority, etc. When Phillips' pipe, which was shipped to Craig by rail, reached Craig, he could not find anyone to move it to the field. Other operators had similar experiences. G. A. Little could not get tanks moved to field for some time, and when moved, account of inexperience of truckers, or lack of suitable equipment, service was not satisfactory. Tanks were damaged. Some tanks and ladders were left behind. Some ladders which should not have been moved were taken to the lease. 300 bolts were lost en route. Other witnesses testified in detail about other delays.

Applicants Miller, Jones, Dawson-Corbett, and Tyrrell have been operating motor truck common carrier lines in irregular service for many years. They have specialized in oil field service. They, respectively, have many trucks, tractors, and trailers, practically all of which are designed and equipped for the loading, moving, and unloading of oil well machinery and equipment, pipe-laying, etc. Their units are equipped for four-wheel drives, gin poles, cranes, rolling tail boards, oil field floats, heavy winches. They have caterpillars, crawler wagons, etc., to

do other work incident to the trucking. Caterpillars frequently are used to move loaded trucks in the rough country. Crawler wagons handle equipment where trucks cannot go. Miller has 23 units. Jones has 100 trucks and tractors, and 100 trailers. Tyrrell has 37 units. Dawson-Corbett have a large number of trucks and other types of equipment -- Mr. Corbett thinks it is the best in the United States. Nelson has 11 tractors, 7 tanks, and one pole trailer. Larson has many pieces of heavy equipment, and has access to 165 trucks of its parent company, Rio Grande Motor Way, Inc. Comet Motor Express has a large number of motor vehicle units, including some heavy-duty trucks. Gray, at time of hearing, did not have any equipment, but was confident he could purchase some, if he received a certificate. Miller, Jones, Dawson-Corbett, Tyrrell, and Nelson have trained and competent personnel for oil field work. Miller, Jones, Dawson-Corbett, and Tyrrell have operated successfully in most of the major fields of the country under all conditions of weather and terrain. For instance, L. C. Jones has "made practically all oil booms in the country," during his 25 or 30 years' experience, and has worked for all major companies. He moved in practically 50% of the riggs now operating at Rangely from points outside the State. During the week preceding the hearing in Craig, practically every major operator drilling in the field, including Kerlin, Superior, and Laughlin, among others, solicited his service for intrastate work. Laughlin had him move his trucks 700 miles to get his service.

All applicants admitted that they had not been requested to move heavy or cumbersome machinery or equipment other than that used in oil field work. They conceded that they did not know anything about presently-authorized service for movement of such commodities, or the adequancy thereof.

Carroll Nelson testified that he has 11 tractors, 7 tanks, a pole trailer, equipped with oil field float; that he is in a financial position to get more equipment, when necessary; that if and when the

certificate is granted for the service proposed, he, like the other applicants, will establish a 7,000-pound minimum.

Arthur Burgess, a co-partner of Nelson, stated that the partnership maintained a garage, 100 by 150 feet, in Craig, where it had welders and heavy-duty truck repair equipment; that equipment cost $4,500.00; that, with machinery and equipment presently owned, it can rebuild trucks, or even build new trucks; that their mechancis have had extensive experience repairing heavy-duty equipment; that inventory of new and used parts amounts to $15,000.00; that it has extra motors, cabs, tanks, frame steel, etc.; that they have had numerous requests for service, and for a long period of time, they have been permitting Stanton and Comet to use their heavy-duty equipment — especially a unit of 25 tons capacity. They have the necessary equipment available to furnish a part of the specialized trucking service required in the oil field, and would like to put the equipment to work where needed.

Mr. Sloan, General Superintendent of Larson Transportation Company, who has been connected with Larson since 1929, stated that his company furnishes seven-day line-haul service, Denver to Craig, and intermediate points, on schedule; that it has a call and demand certificate with authority to serve points within a radius of fifty miles of Steamboat, and from and to points in area to and from points in State; that Rangely is not in the fifty-mile radius; that since March of 1945, there have been numerous demands made upon his company for service to Craig; that considerable freight moved prior to said time, destined to Rangely Field which was interlined with Comet or Stanton Transportation Company at Craig; that beginning with the latter part of March, 1945, Larson, although it continued to interline, began moving some freight from Craig to Rangely Field and points on U. S. Highway No. 40, between Craig and Wiley's Resort, the total for period from March 27 to July 31 being 953,030 pounds, made up of 756 shipments. This freight moved to Craig on line-haul service. There it was re-billed and hauled under

Larson's call and demand certificate to destination. He stated that, on occasions, special equipment was used, and at other times ordinary trucks; that, to suit shippers' convenience, a 3/4 ton truck has been used; that it desires to operate through to Rangely, and proposes to serve Rangely and points on U. S. Highway No. 64 between Meeker and Wiley's Resort, on schedule seven days a week, and to serve all other points in the field under its call and demand service. If the Commission will not permit the carrier to interchange between its line-haul service and call and demand service, it does not desire service to the field, on schedule. Freight to points on U. S. Highway No. 40 out of Craig during the considered period covered by exhibit, averaged about 220 pounds daily, although daily service was not performed. Witness thought the small towns along the line would grow, and that business available for entire territory proposed to be served would amount to about 8,000 pounds daily. Back-haul would be small in volume. No line-haul service is now authorized to Rangely. Some complaints about delayed service by Comet had been received by Larson. Comet is not authorized to serve on schedule points on State Highway No. 64. Larson has interstate authority.

Roger A. Nash, General Manager of Larson, and General Manager of Rio Grande Motor Way, Inc., stated that Motor Way's 165 units would be made available for use by Larson, if needed.

Leonard Gray, who has resided in Craig 44 years, and who operated under PUC No. 880, which authorized call and demand service for transportation of oil well equipment and other commodities from and to points in the considered area, to and from Craig, until he recently sold said certificate to Pete Juango, who is now operating as "Gray Truck Line," testified in support of his application. He stated that the area of Rangely Field could not be defined; that he wanted to furnish line-haul service daily, on schedule, to Rangely, with the right to extend his service to camps or store concentrations that may be established in

Rangely Field, and also haul freight, on call and demand, to the area. The same equipment would be used, so he would desire to interchange freight between his line-haul service and call and demand service, as proposed by Larson. He also desired to haul passengers, baggage, and express. He proposes to acquire a truck equipped with seats which can handle freight and passengers -- freight to the volume of four tons, and passengers to the number of eight or ten. Passenger service is not now available. He thinks that he must have passenger, freight and express service to operate. He had no knowledge of volume of passenger service, except that a number of people had asked him "how to get there." He proposes a round-trip daily service.

Roy Templeton, of Maybell, testified that he had a store and filling station with some cabins at said point. He, in the past, has received freight by Comet. Service, except for pilferage during the winter and early spring, has been excellent. He has not heard any complaints about the Comet Service. He gets from 5 pounds to as much as 1500 pounds three times weekly by Comet. He stores freight for Comet, and receives rent for the service.

R. W. Barns, of Craig, testified that he is Manager of Oil Field Supply House, at Craig; that he makes some sales to Rangely and Rangely Field, which move to Laughlin, Stanolind, and other warehouses in the area. He thinks a line-haul service is necessary, but stated that Larson and Comet now satisfactorily handle the business. On cross-examination, he stated that he thought a one-carrier service through from Denver might be more convenient.

Mrs. R. M. Reed, Secretary and General Office Manager of Comet Motor Express, testified that her company has twenty-one units (semis, plus tractors); that it has call and demand authority, with the right, generally, to transport:

> in intrastate and interstate commerce, freight, passengers, and express between Grand Junction and Craig, and between Craig and the Utah-Colorado Boundary Line, over U. S. Highways Nos. 13 and 14, without the right to serve points intermediate between Grand Junction

and Meeker, and the transportation, in interstate and intrastate commerce, in irregular service, of persons and property within a radius of fifty miles of Greystone, Sunbeam, Maybell, Massadona, Caisson, Fortification, Great Divide, Hamilton, and Axial, subject to certain conditions.

It also operates line-haul service between Craig and Salt Lake City; service, at present, from Craig to Duchesne, Utah, is tri-weekly, and between Craig and Salt Lake is tri-weekly. Trucks move out of Craig on Tuesdays, Thursdays, and Saturdays. Trucks are operated from Craig to Salt Lake City on the same days. East-bound, they leave Duchesne on Mondays, Wednesdays, and Fridays, and Salt Lake City on Mondays, Wednesdays, and Fridays. Drivers are changed at Vernal. Approximately the same amount of freight moved out of Vernal to points on U.S. Highway No. 40 between the State Line and Craig, and to Rangely out of Vernal, as the amount that is moved from Craig west to the same points. She claims that, in effect, merchants have daily service, because they buy food products at both supply points. They have been operating trucks about twice weekly from Craig to Rangely. They have authority from the Interstate Commerce Commission now to serve Rangely as an off-route point. She agreed that most freight moving to Rangely is interstate in character. They do not propose to operate on schedule out of Meeker, although they do want to be in a position to handle freight from Grand Junction directly to Rangely, via Meeker, instead of hauling it to Craig, and then to Rangely. Freight, Craig to points on U. S. Highway No. 45 between Craig and the line amounts to about 40,000 pounds weekly in volume, due to building operations at points along U.S. Highway No. 40. A number of people working in the oil fields reside, or desire to reside, at points on U. S. Highway No. 40 as far west as Vernal. It is possible that the increase in business may be sufficient to justify six-day service each way, which will be inaugurated when such service can be profitably furnished. A large volume of freight is handled out of Salt Lake east to Rangely. For the most part, it is shipped by supply houses in Los Angeles. She presented exhibits, showing in detail origin

point, volume, destination, nature, etc., of 1414 shipments received on interchange with Larson at Craig for points west thereof. Exhibits also showed 168 delayed deliveries to Comet, and the respective times thereof, 87 shipments with shortage or damages, and 15 lost shipments. She admitted there had been some delays in Comet's service from Craig to Rangely, but contended that its service was much better than Larson's, and that most delays were due to Larson, rather than to Comet. It appeared that Comet has been interchanging at Meeker with Harp, and that Harp has been operating daily-except-Sunday-service to Rangely from Meeker, on schedule. Examination of its certificate shows that it does not have such authority. On cross-examination, it developed that about 15% of Rangely shipments out of Craig move to Vernal, where they remain over-night, and are taken to Rangely the following day by the Duchesne truck.

W. E. Gadd, who operates a Tourist Camp at Skull Creek on U.S. Highway No. 40, stated that Comet Motor Express, a common carrier, and Stanton Transportation Company, a private carrier, have furnished his transportation service; that Stanton operates daily, and Comet operates triweekly; that both services are excellent, and he doesn't need any more service.

George Kitchen, a resident of Massadonia on U. S. Highway No. 40 since 1931, testified that he operates a lodge at Massadonia; that his transportation service, which has been furnished by Comet, has been excellent; that he receives freight from Craig and from Vernal.

Mildred R. Watson stated that she has three Whites, three trailers, and some coal trucks which she uses in her operations under her call and demand certificate and operations as a coal-hauler under her "A" permit; that, presently, 32 oil companies are operating in the Craig territory; that for the next 18 months, there will be a great need of trucks and service; that it has been easy to get releases from O.D.T.,

but difficult to get equipment; that, although she was promised equipment in 1944, she was able to obtain only one truck in February, and one in July, the other White being recently purchased being used equipment; that winter trucking in the Craig area is difficult; that it will be necessary to operate trucks with chains, and to have storage facilities to house the trucks during the night; that one operator who left during the last winter is now building warehouse for next winter; that man-power, like equipment, is definitely needed; that Comet Motor Express service to Rangely has been excellent; that Larson Transportation Company service for the past six months from Denver to Craig has been very poor; that freight which should be delivered in one day frequently has been delayed from two days to a week; that a dependable service, on schedule, to Rangely Field is desirable, and she believes that such service can be furnished by Comet; that Nelson Brothers have housing facilities for trucks, and can operate throughout the winter months; that Dawson-Corbett operate in Wyoming, where conditions are similar to conditions in Craig area.

A. J. Fregeau, Manager of Weicker Transfer and Storage Company, testified that his company maintains a line-haul service between most points on U. S. Highway No. 85, and points on U. S. Highway No. 50, east to Holly. It also has state-wide call and demand service. It has 9 low beds, 4 high beds, 2 cranes, 15 heavy-duty tractors, 4 heavy-duty trucks, and 6 pipe or pole trailers, with a book value of $182,000.00. This equipment is in use approximately 20 to 25% of the time. It is high-cost equipment, and the depreciation also is high. The equipment was obtained primarily to handle heavy commodities and machinery between points in the State of Colorado. He believes that Weicker, along with other heavy-commodity haulers such as Gallagher, G. & D., Duffy, Gottula, and Southwestern, who have proper authority and the necessary equipment, can adequately handle all the business presently available — in fact, if it were not for their belief that following the war, extensive road-building and mining operations will develop, much of the equipment would be sold.

His company does not object to the granting of authority for oil field service proposed by applicants, or the transportation of heavy machinery or heavy commodities used in oil development.

Mr. Glover, Assistant General Freight Agent, Colorado and Southern Railway Company, for the railroad protestants, objected to any authority from and to points in the considered oil field territory, to and from points in the State, and also objected to state-wide service proposed by applicants seeking call and demand authority for transportation of heavy commodities and machinery requiring special equipment. He thought the service should be limited to transportation to and from nearest railheads, from and to fields. He pointed out that truck competition, prior to the war, had cut down the volume of business of the railroads to a considerable extent, and that on account thereof, the rails had not purchased equipment which later would have been available in the War Effort; that if the roads are to continue to serve adequately, they must have business.

Mr. Dier, Counsel for the railroads, contended that inadequacy of rail and motor service must be established before certificates can issue.

We agree with Mr. Dier. Additional certificates should not issue where the service is adequate, or can be made adequate. Here, a great number of shipper witnesses testified that call and demand service between points in the northwestern Colorado oil fields, and from and to points in said area, to and from points in the State of Colorado, is not adequate. Apparently they, and the applicants, agree that all the equipment which can be made available by all carriers presently seeking authority to perform such service, at times, will be needed, and even that may be inadequate. For practical purposes, that is conceded, or at least

the contrary was not claimed, by presently-authorized motor carriers. No serious objections to said service were offered by Comet. Obviously, it does not have the equipment to perform special service. Apparently they couldn't get it if they wanted it. Mrs. Watson has adequate finances to buy equipment in considerable volume, but she has been unable to get it. She has been unable to get trained personnel to handle the trucks that she has. She stated that more service is needed; that she could not afford to buy all the equipment that would be necessary, and if she did, she would be the rest of her life paying for it. Weicker Transfer and Storage Company does not object to oil field service. Larson Transportation, with call and demand authority within a radius of fifty miles of Craig, did not object to that type of service -- in fact, it seeks to extend its authority under its certificate. We do not think that the railroads alone, or the railroads and local trucks together, can furnish the kind of service that the oil field operators want, and are entitled to. They operate in numerous fields in the State, and used equipment, and some new equipment, certainly will move from field to field. For instance, Rangely Field is located by road nearly 100 miles from Craig, and about the same distance from Rifle, the nearest railheads. We have mentioned the locations of the Iles, Hamilton, and Wilson Creek Fields -- all at considerable distance from railheads. An oil field is being developed near Walden, Jackson County. If railroad service were used, shipment from that field would move to Walden by truck. There it would be transferred to a car, and would move over the Denver-Laramie and Western Line to Laramie, thence by Union Pacific Railroad to Denver, thence by Denver and Salt Lake Railway to Craig, thence by truck to the field. A shipment in the reverse direction would involve reverse service. A number of days -- possibly weeks -- would elapse before delivery. A truck movement would mean one loading and one unloading, and perhaps

ten hours would be consumed in the operation. Like the railroads, we believe that their service must be maintained, and to that end it is desirable that all traffic that can move by rail, expeditiously and with reasonably good service to the shipper, should move that way. But where the rail or combination rail-truck service is not as expedient as the nature of the shippers' business requires, shipper is entitled to truck service. Apparently, our state is now being extensively surveyed for its oil possibilities. Numerous wells are being drilled in southeastern Colorado and at other locations in the State. More are to follow. So we think, upon the record, that statewide service for movement of oil field equipment and supplies, along with a service between points in the field, should be authorized. We do not think that a need for passenger service to Rangely was established. There was no testimony as to the number of people residing at Rangely, or at Rangely Field, or the number of people who might desire to avail themselves of a for hire passenger service. Probably most of the people working there have cars. It did not appear that they do, or that they do not, have them. It would appear that many of the workers reside at points on U. S. Highway No. 40, where the facilities seem to be better. U. S. Highway No. 40 is served by The Denver-Salt Lake-Pacific, in passenger service. Rangely Field now extends almost to this highway. U. S. Highway No. 13 is served by Comet Motor Express, in passenger service. We doubt that proposed service could be maintained, if authorized. It was suggested that it can survive only if the operator is allowed to haul freight. If applicant had established an imperative need for passenger service, perhaps the certificate would go to him. We think a scheduled freight service should be authorized, but we believe that the other applicants for such service made a much better showing. By reason of their financial positions, their established services, their equipment, they are better qualified and able to furnish the service. Mr. Gray

recently had a certificate which authorized call and demand service. He sold it. He does not propose to furnish service requiring use of special equipment, which service, record shows, is needed. He does not now have special equipment, or any equipment, to furnish such service, or for that matter, to furnish proposed service. Other applicants already have made necessary investment and should be permitted to utilize their present facilities and equipment.

Moreover, we, on several occasions, have held that where line-haul carriers are operating, it is desirable to extend that service, rather than to authorize a new service. Larson and Comet seek extensions of existing service -- Comet, a comparatively short one, which is one reason why we think that Comet should be granted the extension to Rangely. It now serves on U. S. Highway No. 40, and when the contemplated road is completed from Skull Creek to Rangely, it easily can serve Rangely as an off-route point; in fact, it now is authorized to serve Rangely as an off-route point in interstate commerce. Its facilities considering the service required are equal to those of Larson Transportation Company. It has the necessary trained personnel. It operates regular service between Craig and Salt Lake City, tri-weekly. With some increase in business, it easily can establish daily service. It now has call and demand authority to the area. We have no doubt Larson Transportation Company can furnish satisfactory service, but we do not believe that two services are justified. It was suggested by two or more witnesses that through service from Denver to Rangely, via one carrier probably was desirable, but in the past we have not adopted that view.

Our conclusion here is not out of line with previous decisions

decisions of the Commission. See Decision No. 6879, in re Applications of Cripple Creek-Victor-Colorado Springs Stage Company and John Shull for certificate of public convenience and necessity, and Decision No. 7652, in re Applications of Weicker, Rio Grande Motor Way, Inc., Pueblo-San Luis Valley Transportation Company, Baker, Trom, Malleys, Drum, where the Commission granted a certificate of public convenience and necessity to carriers already in the field who would interchange with other carriers already in the field, instead of authorizing a new service, which also would be a through service, "leap-frogging" operations of existing carriers.

Findings

The Commission Finds:

1. That public convenience and necessity require the proposed several motor vehicle common carrier operations of E. L. Miller, doing business as "E. L. Miller Truck Line," and L. C. Jones, doing business as "L. C. Jones Trucking Company," to operate as common carriers by motor vehicle for hire for the transportation, in irregular service, of:

> Machinery, materials, equipment, supplies and facilities used in or incidental to, or in connection with:
>
> (a) The discovery, development, production and preservation of natural gas and petroleum.
>
> (b) The construction, dismantling, repair, servicing, and maintenance of pipe lines.
>
> (c) The construction, operation, repair, servicing, dismantling, and maintenance of facilities for the storage of natural gas, gasoline and petroleum.
>
> (d) The construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending gasoline, natural gas and petroleum,

between all points in the State of Colorado.

2. That public convenience and necessity require the proposed several motor vehicle common carrier operations of Max Dawson and Wesley Corbett, doing business as "Dawson & Corbett," and C. A. Nelson and Arthur Burgess, doing business as "Nelson Brothers," for the transportation, in irregular service, of:

(1) machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, production of natural gas and petroleum, in intrastate commerce, between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colorado, and from and to points in said Counties, to and from points in the State of Colorado.

(2) Transportation of the same commodities, in interstate commerce, between points in the State of Colorado and all State Boundary Lines, and all intermediate points.

3. That public convenience and necessity require the proposed motor vehicle common carrier operations of C. L. Tyrrell and Vivian May Tyrrell, doing business as "C. L. Tyrrell Oil Field Trucking Company," for the transportation, in irregular service, in intrastate and interstate commerce, of:

(1) Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum.

(2) Oil and gas field equipment, materials, supplies, and machinery,

between all points in the State of Colorado.

4. That public convenience and necessity require the proposed extended motor vehicle operations of Larson Transportation Company for the transportation, on call and demand, in intrastate and interstate commerce, of:

> Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum products between all points in the Counties of Moffat and Rio Blanco, Garfield and Mesa, and from and to all points and places in said Counties, to and from Denver, Colorado.

5. That public convenience and necessity require the proposed extended motor vehicle operations of Comet Motor Express Co., Inc., for:

> service between all points it is presently authorized to serve, on the one hand, and points on Colorado Highway No. 64, between, but not including, Meeker, Colorado, and the point where Colorado State Highway No. 64 intersects U. S. Highway No. 40, near Wiley's Resort, on the other, without the right to transport commodities on schedule, in competition with any authorized line-haul service of Harp Brothers.

6. That certificates of public convenience and necessity should issue to the respective applicants for the service aforesaid, interstate authority herein granted to be subject to the provisions of the Federal Motor Carrier Act of 1935.

7. That public convenience and necessity does not require the proposed common carrier service of Leonard Gray, and that said application should be denied.

8. That application of Larson Transportation Company for line-haul service between Craig, Colorado, and Rangely, Colorado, via U. S. Highway No. 40, and State Highway No. 64, should be denied.

9. That public convenience and necessity do not require the services proposed by Applicants Miller, Jones, Dawson-Corbett, Nelson Brothers, and Tyrrell, for the transportation of heavy machinery, heavy and cumbersome commodities which, because of size or weight, require the use of special equipment and parts thereof, between points in the State of Colorado, or any points in said State, except insofar as that service is involved in oil field service as heretofore set forth, and should be denied.

10. That, in the opinion of the Commission, the service herein authorized is needed at once, and this order should be made effective as of the day and date of issue.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed several motor vehicle common carrier operations of E. L. Miller, doing business as "E. L. Miller Truck Line," and L. C. Jones, doing business as "L. C. Jones Trucking Company," Oklahoma City, Oklahoma, for the transportation, in irregular service, of:

> Machinery, materials, equipment, supplies, and facilities used in or incidental to, or in connection with:
>
> (a) The discovery, development, production, and preservation of natural gas and petroleum.
>
> (b) The construction, dismantling, repair, servicing, and maintenance of pipe lines.
>
> (c) The construction, operation, repair, servicing, dismantling, and maintenance of facilities for the storage of natural gas, gasoline and petroleum.
>
> (d) The construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending gasoline, natural gas and petroleum,

between all points in the State of Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed several motor vehicle common carrier operations of Max Dawson and Wesley Corbett, doing business as "Dawson & Corbett," Rawlins, Wyoming, and C. A.

Nelson and Arthur Burgess, doing business as "Nelson Brothers," Colorado Springs, Colorado, for the transportation, in irregular service, of:

> Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, production of natural gas and petroleum, in intrastate commerce, between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colorado, and from and to points in said Counties, to and from points in the State of Colorado.
>
> Transportation of the same commodities, in interstate commerce, between points in the State of Colorado and all State Boundary Lines, and all intermediate points,

and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor, interstate authority to be given the same number of intrastate authority, followed by the letter "I", said interstate authority to be subject to the provisions of the Federal Motor Carrier Act of 1935.

That public convenience and necessity require the proposed motor vehicle common carrier operations of C. L. Tyrrell and Vivian May Tyrrell, doing business as "C. L. Tyrrell Oil Field Trucking Company," Chase, Kansas, for the transportation, in irregular service, in interstate and intrastate commerce, of:

> Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum.
>
> Oil and gas field equipment, materials, supplies, and machinery,

between all points in the State of Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle operations of Larson Transportation Company for the transportation, on call and demand, in intrastate and interstate commerce, of:

> Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum products between all points in the Counties of Moffat, Rio Blanco, Garfield and Mesa, and from and to all points and places in said Counties, to and from Denver, Colorado,

and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle operations of Comet Motor Express Co., Inc., for:

> service between all points it is presently authorized to serve, on the one hand, and points on Colorado Highway No. 64, between but not including Meeker, Colorado, and the point where Colorado State Highway No. 64 intersects U. S. Highway No. 40, near Wiley's Resort, on the other, without the right to transport commodities on schedule, in competition with any authorized line-haul service of Harp Brothers,

and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicants shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission within twenty days from date.

The applicants shall operate their carrier systems in accordance with the order of the Commission except when prevented by the Act of God, the public enemy or extreme conditions.

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

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

That public convenience and necessity does not require the proposed common carrier service of Leonard Gray, and that said application should be, and the same hereby is, denied.

That application of Larson Transportation Company for line-haul service, on schedule, between Craig, Colorado, and Rangely, Colorado, and intermediate points via U. S. Highway No. 40, and State Highway No. 64, should be, and the same hereby is, denied.

That public convenience and necessity do not require the services proposed by Applicants Miller, Jones, Dawson-Corbett, Nelson Brothers, and Tyrrell, for the transportation of heavy machinery, heavy and cumbersome commodities which, because of size or weight, require the use of special equipment and parts thereof, between points in the State of Colorado, or any points in said State, except insofar as that service is involved in oil field, etc. service, heretofore authorized, and should be, and the same hereby are, denied.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of August, 1945

JH

(Decision No. 24881)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. W. TOLER, DOING BUSINESS AS W. W. TOLER & SON, CRAIG, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6777-PP
PETITION FOR REHEARING

August 25, 1945

Appearances: Helman and Young, Esqs., Grand Junction, Colorado, for Applicants;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Comet Motor Express, Mildred Watson, Valley Transfer Company;
T. A. White, Esq., Denver, Colorado, for Larson Transportation Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On July 21, 1945, in the above-styled matter, the Commission entered its order and decision No. 24721, granting a private carrier permit to W. W. Toler, doing business as "W. W. Toler & Son," Craig, Colorado.

On July 30, 1945, a petition for rehearing was filed by Watson Truck Line and Comet Motor Express Company.

The Commission has examined said petition for rehearing, and each and every alleged assignment of error, and is of the opinion that its said order and decision should not be set aside, and that rehearing should not be granted.

Assignment No. 1 suggests that the Commission took notice of the precarious financial condition of protestant Comet in its decision No. 24115, and stated that:

> "any loss of revenue in line-haul service would tend to impair the efficiency of that operation."

That is true, but the words "that operation" related to the line-haul service, and we pointed out in said decision that there was a difference between call and demand service and line-haul service,- at least in the degree of protection that, in our opinion, said respective services were entitled to. The record in the matter under consideration, as well as the record made on the application for call and demand service by Mrs. Watson, in Decision No. 24149, and the record recently made at Craig on applications of E. L. Miller, doing business as "E. L. Miller Truck Line," (Application No. 7040), et al., clearly showed that Comet Motor Express has not made any provision in the way of acquiring special equipment or special facilities to furnish the type of service which Toler can, and will, furnish. In fact, the Watson certificate was granted because Comet and Gray were not furnishing such service. Moreover,- and this is pertinent in connection with assignment of error No. 2,- Mrs. Watson testified at the hearing on the Miller, et al., Applications, that additional service is necessary; that she, after many months' effort, had been unable to get suitable equipment, or qualified personnel to handle equipment, and that, even though she could buy it, she would be the rest of her life paying for it if she bought enough equipment to handle the business.

In assignment of error No. 2, it is suggested that we failed to consider the fact that the application should be denied where the service is adequate, or carriers are able to, and will, correct the deficiencies in service. That rule applies where the carriers can correct their deficiencies in service. It is stated:

> "the oil field development in the Craig-Rangely area has been rapid."

That is true. Service is needed now,- not next month or the month after, or six months from now,- and admittedly neither Comet, if it were so inclined, nor Mrs. Watson, can get equipment or men to handle it. We think that we would show very little judgment or consideration for the public interest if we were to require the oil industry to wait for such

indefinite and probably lengthy period of time to expire before granting authority. Moreover, the people of the State and the people of the nation are interested in getting more oil produced and to market as quickly as that result can be brought about. We have been passing through an emergency period.

It is suggested by assignment of error No. 3 that we penalize existing carriers who have leased outside equipment to supplement their own facilities. We expressly stated in our decision that we are not penalizing carriers for getting other equipment. Where that equipment so obtained is not sufficient to satisfy the public need, we do not think the fact they used it should defeat application to furnish needed service. In the instant matter, the one piece of equipment obtained from Mr. Nelson and the few trucks furnished by Mr. Gray, when available, do not begin to satisfy the requirements or need.

As to the suggestion that applicant's application should be denied because he hauled without authority, we think it is without merit. On a number of occasions, we have said that such ground should be controlling where the public will not suffer, but that it would not be smart to deny the application because the applicant has satisfied urgent public needs without authority. After all, some of the carriers are equally at fault. Under the circumstances, we do not think we should cancel their operating rights on that account. Toler came into the territory to work under Mr. Utzinger's permit, and after his application was heard, for a considerable period of time he furnished service under Mrs. Watson's certificate, as we pointed out in our order. We have no knowledge that the service was discontinued. Our knowledge is that, upon complaint of one of the operators, he was notified to stop by the Patrol, under the direction of the Commission, but, immediately thereafter, continued operations under Mrs. Watson's certificate. In other words, after complaint, we thought we were without authority to authorize the operation,— even temporarily,— but the certificate-holder took care of the situation,— and we think such action was in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That said petition for rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That the above-styled petition for rehearing be, and the same hereby is, denied.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 25th day of August, 1945.

(Decision No. 24882)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN C. LEWIS, 1418 WINONA COURT, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-5164 TO ALFRED P. MILLER, BOX 155, AURORA, COLORADO.	APPLICATION NO. 6848-PP-A

August 27, 1945

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 24142, of date February 5, 1945, John C. Lewis was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

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

By the instant application, said John C. Lewis seeks authority to transfer said operating rights to Alfred P. Miller, Aurora, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted; that ton-mile tax deposit should be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That John C. Lewis, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5164 to Alfred P. Miller, Aurora, Colorado.

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

This order is made a part of the permit authorized to be transferred, and [illegible]

That ton-mile tax deposit of transferor be transferred to account of transferee.

This order shall become effective [illegible]ty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 27th day of August, 1945.

(Decision No. 24885)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DOMENIC LEONE AND MARY K. LEONE, DOING BUSINESS AS "DOMENIC LEONE CONSTRUCTION COMPANY," 818 OAK STREET, TRINIDAD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6958-PP

August 27, 1945

Appearances: Domenic Leone, Trinidad, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company, Jackson Transfer and Storage Company;
Frank H. Hall, Esq., Trinidad, Colorado, for Pople Brothers Construction Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of heavy machinery, road and building material, supplies, and equipment, and other kinds of heavy machinery, equipment, and supplies, between points in Las Animas County, Colorado, and from and to points in the State of Colorado, to and from points in said County.

The application was opposed by Weicker Transfer and Storage Company, Jackson Transfer and Storage Company, and Pople Brothers Construction Company, all of whom are authorized to furnish service in said County, and from and to points in the County.

The matter was set for hearing, and heard, at Trinidad, Colorado, on June 15, 1945, and taken under advisement.

At the hearing, applicant stated that he and his wife were co-partners, doing business as "Domenic Leone Construction Company;" that

they engaged in any kind of construction work, and principally had been engaged in road building and bridge construction until the war required discontinuance of said activities; that they purchased a low-bed trailer to use in their business; that they also had some heavy-duty trucks; that they had equipment, but, on account of lack of construction work, were idle much of the time; that equipment capable of moving a shovel or similar machinery was maintained by Pople Brothers in Trinidad, and that nearest equipment is at La Junta or Pueblo, where it is kept by Jackson and Weicker, respectively; that Soil Conservation Service, recently, asked Pople to move a shovel for them; that apparently they were unable to move it, because Pople asked Leone Construction Company to furnish the service; that, on other occasions, he had been asked to haul boilers, caterpillars, etc.; that he is agreeable to leasing the equipment to Weicker but refused to lease to Pople, because Pople Construction Company was not willing to pay him a suitable amount for the service; that he does not know of any additional movements in or out of the County in the near future; that one of the two movements for Soil Conservation Service was handled by Weicker, the other by Jacksen; that the service was satisfactory but the price was not; that the charge, of course, was the tariff price but included dead mileage charge for moving equipment.

Mr. Lloyd Aycott, for Soil Conservation Service, testified in support of the application. He stated that Soil Conservation Service had an RD-7 Caterpillar and other machinery; that, occasionally, it was necessary to move the equipment as much as fifteen or twenty miles; that the work ordinarily extended for a period of six months during the late spring, summer, and early fall; that the longest mileage haul was about seventy-five miles; that Soil Conservation Service moves the equipment with its transport when the distance is in excess of seventy-five miles; that service of Weicker and Jackson was satisfactory but too expensive; that Pople Brothers formerly handled the business; that its service was satisfactory but that it lacks equipment now.

Witness for Pople Brothers (PUC No. 548) testified that they have the equipment and can move up to twenty-five tons; that they also have a great number of trucks which can handle heavy commodities; that the equipment is expensive; that there is little business of that sort in Las Animas County and they must have all the business they can get to justify keeping the equipment; that it is idle seventy-five per cent of the time; that no service in addition to Pople is needed in the County.

From the record made, it would seem that the granting of the authority sought will tend to impair the efficiency of the Pople Brothers' operation; that Pople Brothers Construction Company wants the business inasmuch as it has the equipment to handle the operation. If it has, it is entitled to the business in order to maintain the equipment in use which it has dedicated to public service.

If it develops in the future that Pople Brothers' service is not able to, or will not, furnish the service, applicant should be permitted to re-open the application, for we think that Soil Conservation Service and other shippers desiring similar service should, if possible, have a service available in the County, instead of being compelled to send to distant points for equipment.

F I N D I N G S

THE COMMISSION FINDS:

That the granting of the authority sought will tend to impair the efficiency of now adequate common carrier service; that the application should be denied, subject to the right of applicant to re-open the application if it develops that Pople Brothers Construction Company is not able to, or will not, furnish the service required by Soil Conservation Service, or others, for movements requiring use of low-bed equipment.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, denied, subject to the right of applicant to reopen the application if it

develops that Pople Brothers Construction Company is not able to, or will not, furnish the service required by Soil Conservation Service or others for movements requiring low-bed equipment.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. O. Thorsen

Walter Epitz

Ralph L. Carlson

Commissioners

DATED at Denver, Colorado,
this 27th day of August, 1945.

(Decision No. 24884)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF HERMAN HILKEY, DOING BUSINESS AS "HILKEY BROTHERS," MEEKER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 6916
RE MOTOR VEHICLE OPERATIONS OF HERMAN HILKEY, DOING BUSINESS AS "HILKEY BROTHERS," MEEKER, COLORADO.	PERMIT NO. B-1540

August 28, 1945

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Watson Truck Line, Comet Motor Express Co., Inc.;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
William Mason, 1017 Colorado Avenue, Glenwood Springs, Colorado, for Harp Brothers, Janes Brothers.

S T A T E M E N T

By the Commission:

The above-styled matter was heard, pursuant to prior setting, in Glenwood Springs, Colorado, on May 24, 1945, and taken under advisement.

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of commodities, generally, except household goods and heavy machinery requiring special equipment (but not excluding emigrant moveables) between points in Rio Blanco County, and from and to points in said County, to and from points in the State of Colorado, without the right to furnish service under said certificate between towns on State Highway No. 13, Rifle to Craig, both points inclusive.

At the hearing, it appeared that applicant has three trucks and a two-ton trailer, of net value of approximately $7,000.00. The trucks are equipped with flat beds, grain beds, and stock racks, but are without special equipment, such as winches, rolling tail boards, etc. It further appeared that these trucks, at the time of hearing, were used in conducting applicant's for-hire operations as a Private Carrier, under Permit No. B-1540, which issued May 11, 1936; that, under said permit, he is authorized to transport:

> farm products, including livestock and wool, and farm supplies, specifically including coal, building materials, machinery, equipment, and household goods, between points in Rio Blanco County, and from and to points in said County, to and from points in the State of Colorado, with the proviso that he cannot engage in the transportation of any commodities ordinarily handled by line-haul motor vehicle common carrier services between Rifle and Meeker and intermediate points, and cannot transport grain and other produce raised in the vicinity of Meeker from farms where raised to Meeker.

Applicant agreed that if the authority herein sought is granted, said Private Carrier Permit No. B-1540 could be cancelled.

It appeared that Rio Blanco County's principal industry in the past has been ranching. Large numbers of sheep, cattle, and horses are produced in the county. Most of the hay and grain is fed to livestock, but some is hauled to Grand Junction, Rifle, and other outside points. Recently, there has been an extensive oil development program in the county at Rangely, about 57 miles west of Meeker, on State Highway No. 64, a comparatively unimproved road, and at Wilson Creek, about twenty miles north of Meeker. Wells are about to be drilled a few miles southeast of Meeker on the so-called "Meeker Dome" and on Piceance Creek, southwest of Meeker. Development work -- especially at Rangely Field where a large number of companies are operating — is proceeding rapidly. The nearest railheads are located at Rifle, on The Denver and Rio Grande Western Railroad Company, 54 miles south of Meeker, and Craig, on The Denver and Salt Lake Railway Company, 42 miles north of Meeker. All commodities must move to or from Rio Blanco County by combination rail-truck movement, or by truck. His principal service in the past has been for the farmers. Livestock has been hauled between points in the county, and from and to points in the county,

to and from points in the State. Most livestock moves to Denver. Occasionally some stock moves to Grand Junction, and, at times, stock is moved to Rifle or Craig for further movement by rail. All types of farm supplies are hauled into the county from outside points, and also are moved from Meeker to the ranches and farms. This includes farm machinery, feed, such as hay, grain, and cake, building supplies, such as posts, wire, poles, house logs, cement, plaster, and roofing, and coal, which chiefly moves from Mount Streeter. While he has not specialized in the transportation of household goods, he has moved household goods, when moving a farmer. That operation ordinarily includes the moving of everything that the farmer has from one location to another, and generally it is covered by the term "emigrant moveables."

On account of lack of equipment, other truck lines — such as Harp Brothers, Janes Brothers, and Larson Transportation Company — frequently have made arrangements with applicant to use his trucks, when they have been unable to handle the business offered them.

His business has required continuous use of his equipment from early Fall until late Spring — in fact, if it had been available, he could have used more equipment, and at the time of hearing, had ordered a new truck. During the summer season, when livestock hauling is slack, his trucks are not so busy. Necessarily, if he is to continue to take care of the requirements of ranchers in the county for transportation service during the season when the commodities they produce must be moved to market, he must have enough business to justify keeping his fleet of trucks. Recently, there has been considerable demand for movement of supplies to and from Rangely Field, Wilson Creek, and Meeker Structure, 5 miles east of Meeker. Neither applicant nor any other carrier operating in the county has equipment specially fitted for the handling of heavy commodities which must be moved between points in the oil fields, and from and to points in the oil fields, to and from points in the State, and elsewhere. Rangely Field is 57 miles from Meeker. Craig, which is one of the principal supply points, is 100 miles distant. Meeker is the County Seat of Rio Blanco County. Applicant thinks that there will be constant demand for service from and to

Rangely Field, to and from Meeker. He has moved considerable building supplies to the field, where more than twenty riggs are operating. He expects the demand for service there to increase when building materials are available. About one-third of the building supplies moving to Rangely originate in Grand Junction. He does not contemplate making any additions in the way of special facilities to his equipment that will interfere with easy conversions to stock racks. However, he expects to install a winch. At times, he has been requested to haul oil well equipment, tools, casing, cable, and machinery, and has turned down requests to haul supplies from Meeker to the field. Building activities, generally, throughout Rio Blanco County will increase greatly as soon as farmers and other residents are able to get the material. Also, from time to time, he has been asked to haul road-building equipment and machinery for the county and for road contractors.

Frank Stoneman, a rancher and water-well driller of Meeker, W. A. Doyle, a well-driller with three riggs, and Mathias Villa, a rancher and father-in-law of applicant, testified in support of the application.

It appeared that supplies for water-well-drilling move in from Denver and Grand Junction by truck, and from railheads at Craig and Rifle; that water wells are drilled from 400 to 2500 feet deep; that Stoneman has drilled 35 to 40 wells a year; that he needs the service of a trucker who has a winch-equipped truck. Hilkey has agreed to equip truck with winch, if he gets the authority sought.

Doyle has been operating in the territory for a number of years. He stated that Rangely was just getting a good start; that Wilson Creek had developed substantial production from a dozen or more wells; that engineers in the field expect Rangely to be a major field -- probably the size of Salt Creek, or larger. Development has been slowed by lack of materials and men. A town will be constructed at Rangely as soon as construction materials are available. Considering condition of roads, Craig is the nearest point to the field, although it is 40 miles further from Rangely than Meeker. Access to Rangely from Meeker is by State Highway No. 64, over a grade road, which is not gravelled. Truck service in the past has been available within three or four days, and considering the isolated position

of Meeker, has been good. If and when the road is gravelled, it will be the best route to Rangely. He drilled a dozen water wells during the year preceding hearing, and has two oil-well riggs operating for Raven Oil and Refining Company. He operated for six years in Rangely Field, where, at time of hearing, eight drilling contractors were operating. On several occasions, Hilkey's trucks were at the field when he had hauling work to do, and was unable to get equipment, but Hilkey would not furnish the service because he lacked authority.

Mathias Villa has an 1100-acre farm twelve miles northwest of Meeker, and also builds houses. He has found that, at times, two weeks advance notice to truckers is required before service can be obtained for movement of livestock. He expects building to increase three-fold when material is available. Cement should be moved in from Grand Junction, because it can be obtained there at a saving of twenty cents per cwt. He believes more service is needed.

Mildred Watson, of Craig, Colorado, who furnishes service to Rangely and Wilson Creek Fields, testified that she has one flat bed truck and two Whites, with trailers of 20-ton capacity, equipped with winches, rolling tail boards, etc. She has been serving the Wasatch, Noble, Haliburton, Stanolind, and Texas Companies, who are operating in the Rangely Field. Most freight moving to Rangely from Craig arrives from Casper at Craig, via rail, by truck, which moves from Craig over U. S. Highway No. 40 to Wiley's Resort, thence over Highway No. 64 to Rangely. She has been furnishing 24-hour service, and has found the customers to be very unreasonable. They want more expedited service than it is possible to give. Three trucks that are suitable for oil field work are busy all the time. She is constructing a filling station and dock at Rangely. At times, dump trucks used during the daytime to haul coal from Streeter Mine to Craig are used to haul aqua jell, cement, cottonseed hulls, and other supplies to Rangely. She has averaged two dump truck hauls to oil field every night. Utzinger, a Private Carrier, has considerable special equipment which is busy all the time. If a trucker had special equipment, he could be kept busy all the time. There is ample equipment to haul commodities that do not require special equipment.

She added that all operators want one trucking company to do all their hauling. Her protest is limited to transportation of oil field equipment, supplies, etc., between points in Rio Blanco County on the one hand, and, on the other, points in Moffat County.

George Janes, who operates under PUC No. 1613, with authority to transport:

> farm products, including livestock and wool in grease, farm and ranch supplies, farm machinery and equipment, and building materials, between points in Rio Blanco County, and from and to points in Rio Blanco County, to and from points in the State of Colorado, and oil well tools, machinery and drilling equipment between points in Rio Blanco County, only, without the right to serve between Meeker and Rifle and Meeker and Craig in competition with the line-haul service of H. H. Harp, of Meeker, Colorado, and Comet Motor Express, of Craig, Colorado,

stated that he had been in business in Meeker as a private carrier since 1935 until his certificate was granted in January, 1945. He presented statistics as to volume of business between January 1 and May 23. He has seven trucks, which, in the aggregate, could have worked 1001 days. 725 days were lost, due to no business. He leased some trucks to Gray Truck Line for two weeks. He has enough drivers, plus one, for all trucks. He thinks that his present equipment, considering the business available, is ample. It consists of 4 straight trucks, 3 tractors, 3 semis, trailers, one pole trailer. Some trucks are winch-equipped, some have dump beds, and one is equipped with a ten-inch casing for use instead of a rolling tail board. While he had only private carrier authority until January, 1945, for a long period of time he had operated under Harps' certificate, so he had extensive and general experience before he got the certificate. He especially is concerned with the possible loss of some back-haul from Denver to points in Rio Blanco County. Considerable commodities moving to Rio Blanco County move in shipper-owned trucks — supplies such as lumber, groceries, and perishables.

Harry M. Harp, for Harp Brothers, common carriers with general authority in Rio Blanco County who also operate a line-haul service between Rifle and Meeker, stated that winter weather at Meeker is very severe.

Altitude is 6800 feet, population is 1,399, according to 1940 census, but has increased somewhat lately. Most building activities are limited to summer months. Most of the lumber and building supplies handled by Independent Lumber Company in Meeker, move in from Grand Junction. Harp Brothers have hauled some of it, and some moves by Independent trucks. He has five trucks devoted to call and demand service. Out of 715 working days, 365 were lost, due to lack of business during the first five months of the year -- 47 in January, 84 in February, 109 in March, 69 in April, and 56 in May. From August to the end of the year, everyone is busy. He did not oppose Janes' application for a certificate. However, he thinks that Janes is getting some business he used to get, and that three common carriers in the territory will be worse than one common carrier.

We believe the Commission not only is entitled to, but is required, in passing upon applications for authority, to take into consideration the general information it has acquired in discharging its duties. Since this application was heard, we have heard numerous applications for Craig. Apparently the Rangely service is becoming much more extensive than Mr. Harp and other interested parties believed possible. Some eight applications for authority have been heard at Meeker. The carriers practically waived objections to the granting of authority, limited to oil field service. It also appeared that Harp Brothers recently have established a line-haul service from Meeker to Rangely, although Mr. Harp, at the hearing on instant application, thought Meeker-Rangely business would be very limited. Unquestionably, there is a demand for Hilkey Brothers' farm service. For practical purposes, there has not been much difference between the service Hilkey has furnished as a Class "B" private carrier than the service which he will furnish as a common carrier. Apparently Harp Brothers had the same impression when the Janes certificate was granted. We do not think it desirable that a certificate should issue to anyone because the common carrier in the territory approves. It should issue only when the volume of business available justifies additional service. When the Janes Certificate issued, the same volume of business was available for the three carriers -- one

common and two private -- that will be from now on, whether Hilkey Brothers continue as Private Carriers or as Common Carriers. No doubt there are a few months in the year when business is slack, but admittedly, there is not enough equipment available in the territory to care for the business during most of the year. The residents of Rio Blanco County do not have rail service. They should be assured of ample truck service, available whenever they want it. We believe that more business will develop in Rio Blanco County, for apparently activities of oil companies will be greatly extended. However, we do not think, in view of the large number of carriers authorized to serve out of Craig, that additional service from Craig to the oil fields for the kind of commodities which Hilkey expects to handle is necessary. If he now had, or intended to procure, special equipment, we would not take that view of the matter. He expressly stated that he did not intend to get special equipment, such as low beds, rolling tail boards, cranes, etc. He intends to keep all his equipment in condition to be quickly converted to cattle trucks. After all, that is the service which primarily is wanted by the residents of Rio Blanco County.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Hilkey Brothers, with authority as set forth in the Order following, reference to which is hereby made, and that certificate of public convenience and necessity should issue therefor; that Private Carrier Permit No. B-1540 should be cancelled.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle for-hire service of Herman Hilkey, doing business as "Hilkey Brothers," Meeker, Colorado, for the transportation, in intrastate and interstate commerce, of commodities, generally, except household goods and heavy machinery requiring special equipment (but not excluding emigrant moveables) between points in Rio Blanco County, and from and to points in said County, to and from points in the State of Colorado, without the right

to furnish service under said certificate between towns on Colorado Highway No. 13, Rifle to Craig, both points inclusive, and without the right to transport machinery, materials, equipment, supplies, and facilities used in or incidental to or in connection with the discovery, development, production, and preservation of natural gas and petroleum, including pipelines, storage facilities, refining plants, etc., from Craig to points in Rio Blanco County, said exception, however, not to apply to such commodities for water wells, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

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

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

The interstate certificate herein granted shall issue, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That Private Carrier Permit No. B-1540, upon acceptance of the certificate herein granted by applicant, shall be cancelled and revoked.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of August, 1945.

mw

(Decision No. 24885)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT R. WEIR, LA VETA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 7023
RE MOTOR VEHICLE OPERATIONS OF ROBERT R. WEIR, LA VETA, COLORADO.	PERMIT NO. B-1891

August 28, 1945

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire for the transportation of general commodities, including emigrant moveables (but excepting household goods, heavy machinery requiring special equipment, and new farm machinery) between points within that portion of a twenty-five-mile radius of La Veta where the circumference of said radius intersects with U. S. Highway No. 85 north of Walsenburg, thence clockwise around said circle to that point where said radius intersects the Costilla-Las Animas County Line, thence northward along said county line to U. S. Highway No. 160, thence eastward along U. S. Highway No. 160 to Walsenburg, thence northward on Highway No. 85 to point of beginning, and between points in said area, on the one hand, and points in the State of Colorado, on the other, without the right to transport any commodities ordinarily hauled by line-haul motor vehicle common carriers between points served by them, on schedule.

The matter was set for hearing, and heard, in Walsenburg, Colorado, on July 31, 1945, and taken under advisement.

It appeared that applicant, since February, 1944, has been engaged in operating as a private carrier by motor vehicle, under Permit No. B-1891, which he acquired from D. B. Roesner. Applicant agreed that if the authority herein sought is granted, said permit should be cancelled.

No one appeared in opposition to the granting of the authority sought.

It appeared that no one is engaged in furnishing transportation service in the immediate vicinity of La Veta, except applicant, although there are a number of carriers who are authorized so to do. Charles Dussart, Hayden Transfer and Storage Company, Huerfano Freight Lines, Levy's Transfer & Storage Company, Wes V. McKaughan, George Melonas, Coney Storage & Transfer Company, Pople Brothers Construction Company, Baudino Transfer, and Clayton Hern, are authorized to serve all or part of the territory sought to be served by applicant.

The certificate of Clayton Hern, at his request, on February 10, 1944, was suspended.

It appeared that applicant is an experienced trucker; that he has been furnishing excellent service; that he has a three-ton GMC Tractor, with 26-foot Fruehauf Stock Rack semi trailer, a 1937 one and one-half-ton GMC dump truck, and a 1940 one and one-half-ton truck, equipped with 16-foot stock rack; that his net assets total approximately $12,000.00; that there is considerable demand for movement of farm products, including livestock and wool in grease, from points in said territory to markets in the State of Colorado; that some livestock moves to pastures and to other ranches; that used farm machinery moves from farm to farm in said area, and from and to farms in the area, to and from points in the State; that considerable feed, in the way of hay, grain, cake, and prepared feeds, must be hauled to ranches, especially for use in winter; that some feed moves from San Luis Valley points, and points in the Arkansas Valley, to points in the area, and occasionally, hay moves from the area to Denver, Pueblo, La Junta, and Trinidad. Some building materials -- especially cement and cinder blocks -- must be hauled to farms in the area, some cinder blocks being

shipped from Pueblo; that occasionally shook moves out of La Veta territory to sheds in the Arkansas Valley or San Luis Valley, where vegetables, melons, etc., are packed for shipment. He does not propose to operate a general transfer and cartage business in Walsenburg, and will not maintain an office at any other point in the territory other than La Veta.

A number of witnesses, including George E. Duzenack, George B. Rogers, V. R. Simmons, Harry Willis, T. S. Howard, and Mr. Smith, testified in support of the application. They were of the opinion that the operation is needed to satisfy requirements of the public in said area for transportation service by truck.

The record does not show that Baudino Transfer, at Aguilar, Colorado, was served with notice of the proceedings. Said transportation company has headquarters at Aguilar. It has the right to serve:

> between points in Huerfano and Las Animas Counties, and from and to points in the State, to and from points in said area, with the right to perform occasional service in all counties of the State.

However, in former hearings, Baudino Transfer has indicated that it does not object to the granting of authority, except between, and from and to, points in Las Animas County. They always have been able to establish that their service is adequate in the territory which it serves, said territory particularly being the section immediately around Aguilar, extending along the Apishapa River, which runs east and west through said town. A twenty-five-mile area would include the head waters of the Apishapa, and considerable part of the upper water shed of the Purgatoire River. We could set said matter for hearing and give notice to Baudino. However, we apprehend that applicant would not be particularly interested in point to point service in said territory, inasmuch as access thereto is difficult from La Veta. Under the authority we here grant, he will be able to perform an in and out service — that is, from point to point in the area allocated to him, to and from points in the State. If he is not satisfied with the authority granted, he can file application for further hearing, and the matter will be set upon notice to Baudino Transfer.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed service of applicant, for the transportation of general commodities, including emigrant moveables (but excepting household goods, heavy machinery requiring special equipment, and new farm machinery) between points within that portion of a twenty-five-mile radius of La Veta, commencing where the circumference of said radius intersects with U. S. Highway No. 85, north of Walsenburg, thence clockwise around said circle to that point where said radius intersects the Costilla-Las Animas County Line -- excepting therefrom all that part of said segment of a circle which is in Las Animas County, Colorado -- thence northward along said county line to U. S. Highway No. 160, thence eastward along U. S. Highway No. 160 to Walsenburg, thence northward on Highway No. 85 to point of beginning, and from and to points in said area, on the one hand, to and from points in the State of Colorado, on the other -- all of said point to point territory being in Huerfano County, Colorado; that said application, in all other respects, should be denied; that Permit No. B-1891 should be cancelled, upon acceptance by applicant of the authority herein granted.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle service of applicant, on call and demand, for the transportation of general commodities, including emigrant moveables (but excepting household goods, heavy machinery requiring special equipment, and new farm machinery) between points within that portion of a twenty-five-mile radius of La Veta where the circumference of said radius intersects with U. S. Highway No. 85, north of Walsenburg, thence clockwise around said circle to that point where said radius intersects the Costilla-Las Animas County Line -- excepting therefrom all that part of said segment of a circle which is in Las Animas County, Colorado -- thence northward along said county line to U. S. Highway No. 160, thence eastward

along U. S. Highway No. 160 to Walsenburg, thence northward on Highway No. 85 to point of beginning, all of said point to point service being in Huerfano County, and from and to points in said area, on the one hand, to and from points in the State of Colorado, on the other, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

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

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

That said application, in all other respects, should be, and the same hereby is, denied.

That Private Carrier Permit No. B-1891 be cancelled, upon acceptance by applicant of the authority herein granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of August, 1945.

mw

(Decision No. 24886)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. C. STEPHENSON, DOING BUSINESS AS "STEPHENSON PRODUCE COMPANY," WRAY, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1502 TO A. C. YENTER, WRAY, COLORADO.	APPLICATION NO. 3190-PP-AA

August 28, 1945

S T A T E M E N T

By the Commission:

Pursuant to Decision No. 15895, of date August 26, 1939, H. C. Stephenson acquired Permit No. B-1502 from Roy E. Blacker, with authority to transport:

> farm products (including livestock), farm supplies (specifically including farm machinery, farm equipment, furniture, coal, cement and building materials), from point to point within the area bounded by the Yuma County Line on the north and east, and extending 10 miles west, and 15 miles south of Wray, Colorado, and the transportation of farm products (including livestock) and farmers' machinery and equipment (including household goods) from and to points in said area, to and from points in the State of Colorado, with back-haul of coal from the northern Colorado coal fields, and cement from Beettcher.

He now seeks authority to transfer said permit to A. C. Yenter, Wray, Colorado.

Inasmuch as the files of the Commission show that said permit is in good standing; that road tax has been paid; and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who could be heard in opposition to the transfer of said permit, the Commission has determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought to transfer Permit No. B-1502 should be granted; that ton-mile tax deposit of transferor should be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That H. C. Stephenson, doing business as "Stephenson Produce Company," Wray, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1502 to A. C. Yenter, Wray, Colorado.

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

This order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit of transferor shall be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 28th day of August, 1945

(Decision No. 24887)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF JOHN W. ANDERSON, OF SEIBERT, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF COAL, GRAIN AND STOCK WITHIN A 35-MILE RADIUS OF SEIBERT, COLORADO.	)	APPLICATION NO. 6960-PP

August 28, 1945.

Appearances: Paul G. Zimmerman, Burlington, Colorado, pro se;
Vam Goodwin, Flagler, Colorado, pro se;

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at the Court House in Burlington, Colorado, on June 5, 1945, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing. Thereupon, protestants moved that the application be dismissed for lack of prosecution.

The files were ordered made a part of the record, and the matter was taken under advisement.

Immediately following the hearing, applicant informed the Commission that he had been at the hearing earlier in the day, but left under the impression that he had ample time to attend to some other matters, and that his application could be heard. When he returned, the session had adjourned. He requested another hearing.

FINDINGS

THE COMMISSION FINDS:

The Commission finds that his request should be granted.

O R D E R

THE COMMISSION ORDERS:

That motion to dismiss the above-styled application be, and the same hereby is, denied, and that said matter should be set for hearing on some day hereafter to be determined by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of August, 1945.

BH

(Decision No. 24888)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN CHEVARRIA, 2756 WEST PARK PLACE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 7053-PP

August 28, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of fifty miles of Denver, to jobs in said fifty-mile radius, excluding service in Boulder, Clear Creek, and Gilpin Counties.

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

F I N D I N G S

THE COMMISSION FINDS:

That John Chevarria, Denver, Colorado, should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of fifty miles of Denver to jobs in said fifty-mile radius, excluding service in Boulder, Clear Creek, and Gilpin Counties.

O R D E R

THE COMMISSION ORDERS :

That John Chevarria, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of fifty miles of Denver to jobs in said fifty-mile radius, excluding service in Boulder, Clear Creek, and Gilpin Counties.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado
this 28th day of August, 1945.

Commissioners

(Decision No. 24889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
MAX E. RICKARD, 4 MADISON STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 7052-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

August 28, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, during harvest season only, from point to point in eastern Colorado; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

Findings

THE COMMISSION FINDS:

That Max E. Richard, Denver, Colorado, should be granted the permit as sought.

O R D E R

THE COMMISSION ORDERS:

That Max E. Rickard, Denver, Colorado, be, and he hereby is,

authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, during harvest season only, from point to point in eastern Colorado, that is, that part of the state east of Highway 85; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of August, 1945.

BH

(Decision No. 24890)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF CHARLEY SHORT, BOX 335, GOODLAND, KANSAS, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO C. E. SHORT AND GENE SHORT, DOING BUSINESS AS "SHORT AND SON," BOX 335, GOODLAND, KANSAS.	)	PUC NO. 859-I

August 28, 1945.

S T A T E M E N T

By the Commission:

Heretofore, Charley Short, Goodland, Kansas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire in interstate commerce, and PUC No. 859-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to C. E. Short and Gene Short, doing business as "Short and Son," Goodland, Kansas.

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

Findings.

The Commission Finds:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Charley Short, Goodland, Kansas, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 859-I to C. E. Short and Gene Short, doing business as "Short and Son," Goodland, Kansas, said transfer to be subject to the provisions of the Federal Motor Carrier Act

of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of August, 1945.

BH

(Decision No. 24891)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF C. N. LAVELETT, MONUMENT, COLORADO, FOR AUTHORITY TO TRANSFER A PORTION OF P.U.C. NO. 418 TO A. C. CROMWELL, MOTOR ROUTE 3, COLORADO SPRINGS, COLORADO.

APPLICATION NO. 1445-AB-A

August 30, 1945.

Appearances: A. C. Cromwell, Colorado Springs, Colorado, pro se;
C. N. Lavelett, Monument, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 24394, dated April 23, 1945, C. N. Lavelett, of Monument, Colorado, was authorized to transfer a portion of PUC No. 418 to A. C. Cromwell, of Colorado Springs, Colorado.

The Commission is in receipt of a letter from Mrs. A. C. Cromwell, dated August 7, 1945, stating:

> "In the matter of the transfer of certain authority from PUC 418, Dec. 24394 (now known as PUC 1620) this is to advise that default has been made in the payments and it is desired that the authority be returned to the original owner, C. N. Lavelett;"

and also a letter from Mr. Lavelett, dated August 7, 1945, informing the Commission that A. C. Cromwell is turning back his equipment and certificate, and requesting that Decision No. 24394 be vacated and set aside.

Findings.

THE COMMISSION FINDS:

That the conditions in Decision No. 24394 have not been met, and after a careful consideration of the record, the Commission further finds that said

request should be granted.

O R D E R

THE COMMISSION ORDERS:

That our Decision No. 24394, dated April 23, 1945, authorizing transfer by C. N. Lavelett, of Monument, Colorado, of a portion of PUC No. 418 to A. C. Cromwell, Colorado Springs, Colorado, be, and the same hereby is, set aside, vacated, and held for naught.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of August, 1945.

BH

(Decision No. 24892)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATE ON PEACHES IN PACKAGES FROM CORTEZ, COLORADO, TO ALAMOSA, COLORADO.	)	CASE NO. 1585

August 28, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a petition from The Rio Grande Motor Way, Inc., by A. J. Tait, its Freight Traffic Manager, requesting authority to establish a rate of 30 cents per 100 pounds on Peaches in packages, minimum weight 24,000 pounds, from Cortez, Colorado, to Alamosa, Colorado.

The petition in substance states, that, there is considerable anxiety among the fruit growers in this section as to a means for marketing their peach crops other than through truck merchants. If shipments were to move via rail out of Durango, Colorado, there would be a question of delay at Alamosa on account of the transfer and refrigeration which is necessary; that the present rate of 54 cents per 100 pounds minimum weight 10,000 pounds (also applicable on 24,000 pounds) is prohibitive, and with new and additional orchards coming in each year, it is the aim of petitioner to cooperate with the growers by the establishment of the proposed rate.

The highway distance from Cortez to Alamosa is 200 miles, and the truck mile earnings under the proposed rate and minimum weight would be 36 cents per mile.

The annual report of the Rio Grande Motor Way, Inc., for the year 1944 shows that the average revenue per truck mile was 31.5 cents, and the average cost per truck mile was 27.87 cents for an average haul per revenue ton of 157.7 miles.

The earnings under the proposed rate and minimum weight are relatively comparable with its average earnings for the year 1944.

Findings

The Commission finds that a rate of 30 cents per 100 pounds on peaches, in packages, minimum weight 24,000 pounds from Cortez, Colorado, to Alamosa, Colorado, is and for the future will be, a just, fair, reasonable and sufficient maximum and minimum rate and minimum weight for motor vehicle common carriers operating on a scheduled route and a minimum rate and weight for Class "A" private carriers.

O R D E R

IT IS ORDERED, That this order shall become effective forthwith; that a rate of 30 cents per 100 pounds on Peaches, in packages, minimum weight 24,000 pounds, from Cortez, Colorado, to Alamosa, Colorado, shall be published to become effective September 1, 1945, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act; that on and after September 1, 1945, the Rio Grande Motor Way, Inc., shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rate herein prescribed; that on and after September 1, 1945, Class "A" private carriers by motor vehicle, to the extent they are affected, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than the rate herein prescribed; that this order shall not be construed so as to compel a private carrier by motor vehicle to be or become

a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier; that the order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force until the further order of the Commission; that jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of August, 1945

JH

(Decision No. 24895)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. J. JORDAN, SPRINGFIELD, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2033 TO JOHN WILSON, SPRINGFIELD, COLORADO.

APPLICATION NO. 3740-PP-B-AAA

August 30, 1945

S T A T E M E N T

By the Commission:

On August 6, 1945, application was filed by C. J. Jordan, of Springfield, Colorado, for authority to transfer Permit No. B-2033 to John Wilson, of Springfield, Colorado.

On August 19, 1945, the Commission received the following letter:

"Springfield, Colo., Aug. 19-20

"The Colorado Public Utilities
Commission, Denver, Colo.

"Please cancel application to transfer Permit No. B-2033 from Clarence J. Jordan to John Wilson, and leave it as it is. Thanking you,

(Signed) John Wilson
C. J. Jordan "

It now appears to the Commission, and the Commission so finds, that said application should be dismissed.

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED AT DENVER, COLORADO,
this 30th day of August, 1945.

Commissioners.

Original

(Decision No. 24894)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF E. A. GREEN, JR., AND CALVIN GREEN, R. R. 2, ALAMOSA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 6980-PP (Supplemental Order)

August 30, 1945.

Appearances: C. H. Allen, Esq., Alamosa, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Conour and Conour, Attorneys at Law, Del Norte, Colorado, for James E. Ashton, Fred Gibson and Vance Transfer.

STATEMENT

By the Commission:

On July 24, 1945, by Decision No. 24762, the Commission authorized E. A. Green, Jr., and Calvin Green, doing business as E. A. Green and Son, to operate as Class "B" private carriers by motor vehicle for hire for the transportation of livestock, etc., as set forth in said order.

It now appears that this firm is made up of three persons, E. A. Green, Sr., E. A. Green, Jr., and Calvin Green, who are operating under the firm name of "E. A. Green and Sons," and the attorney for the firm now requests that this change in ownership be made formally by the Commission.

It further appears that on August 11, 1945, a supplemental order (Decision No. 24830) was issued, limiting applicant to the use of one unit, a semi-trailer. The attention of the Commission has been called to the fact that Green and Sons were not able to purchase a semi-trailer, but purchased instead a larger truck, and ask that they now be permitted to substitute same for

semi-trailer and that order be changed accordingly.

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

O R D E R

THE COMMISSION ORDERS:

That Decision No. 24762, dated July 24, 1945, and Decision No. 24830, dated August 11, 1945, be, and they hereby are, amended so that the first paragraph of the order shall read as follows:

> That E. A. Green, Sr., E. A. Green, Jr., and Calvin Green, doing business as E. A. Green and Sons, Route 2, Alamosa, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of livestock, grain and farm products from point to point within the area situated in Alamosa and Rio Grande Counties, bounded as follows: On the east by U. S. Highway 285; on the south by the Henry Road (or the road running from the Henry School west); on the west by the South Gunbarrel Road, and on the north by Consumers Filling Station Road (or the road running west from the Consumers Filling Station); and the transportation of livestock from said area to Alamosa, Pueblo, and Denver, Colorado, applicants, however, to be limited to the use of one unit under this permit.

That except as herein amended and corrected, said Decisions Nos. 24762 and 24830 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of August, 1945.

BH

(Decision No. 24895)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF JAMES M. HASEGAWA, PARK VIEW HOTEL, ROCKY FORD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF FARM PRODUCE (NO LIVESTOCK) FROM FARMS TO SHEDS AND MARKETS WITHIN A RADIUS OF 25 MILES OF ROCKY FORD, COLORADO, AND FROM FARMS TO SHEDS AND MARKETS WITHIN A RADIUS OF 45 MILES OF ALAMOSA, COLORADO.

APPLICATION NO. 7041-PP

August 30, 1945.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for Law Motor Freight;
T. A. White, Esq., Denver, Colorado, for Rio Granve Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at the Court House in Pueblo, Colorado, on the 14th day of August, 1945, at 2:00 o'clock P. M., due notice of the time and place of hearing being forwarded to all parties in interest. Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same hereby is, dismissed

for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of August, 1945.

BH

(Decision No. 24896)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
E. J. KELLEY, 101 So. ONEIDA ST.,)
PUEBLO, COLORADO, FOR A CLASS "B") APPLICATION NO. 6905-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

August 30, 1945.

Appearances: Marion F. Jones, Esq., Denver, Colorado for C. Barnhill;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

The above styled matter was set for hearing at the Court House in Pueblo, Colorado, on the 14th day of August, 1945, at 2:00 o'clock P. M., due notice of the time and place of hearing being forwarded to all parties in interest. Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of August, 1945.

BH

(Decision No. 24897)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CARL ANDERSON, 3231 JULIAN STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-5115 TO MIKE COSTABILE, 2603 WEST 24TH AVENUE, DENVER, COLORADO.	APPLICATION NO. 6770-PP-A

August 30, 1945

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 22825, of date November 3, 1944, Carl Anderson was granted authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

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

Said Carl Anderson herein seeks authority to transfer said operating rights to Mike Costabile, Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted; that ton-mile tax deposit of transferor should be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That Carl Anderson, Denver, Colorado, be, and he hereby is,

authorized to transfer all his right, title, and interest in and to Permit No. B-3115 to Mike Costabile, Denver, Colorado.

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

This order is made a part of the permit authorized to be transferred,

That ton-mile tax deposit of transferor shall be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

DATED at Denver, Colorado,
this 30th day of August, 1945.

Original

(Decision No. 24898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF THE PLATEAU VALLEY LIGHT & POWER CO., GRAND JUNCTION, COLORADO, TO SELL TO THE GRAND VALLEY RURAL POWER LINES, INC., GRAND JUNCTION, COLORADO, THE PROPERTIES AND DISTRIBUTION SYSTEM LOCATED AT COLLBRAN, COLORADO, AND ADJACENT TERRITORY, IN THE COUNTY OF MESA, STATE OF COLORADO.	APPLICATION NO. 1882-A

Sept. 4, 1945.

Appearances: Adams and Heckman, Esqs., Grand Junction, Colorado, for applicants;
William Weiser, Esq., Grand Junction, Colorado, for Grand Valley Rural Power Lines, Inc.;
E. B. Evans, Esq., Denver, Colorado, for the Commission;
Lee, Shaw and McCreery, Esqs., Denver, Colorado, for Public Service Company of Colorado.

S T A T E M E N T

By the Commission:

Plateau Valley Light and Power Company, applicant herein, operates a plant for the generation of electrical energy, and owns distribution and transmission lines in Collbran, Colorado, and extensions thereof beyond the limits of Collbran, in the County of Mesa, Colorado. Said company operates under authority of this Commission under Decision No. 3693, dated October 14, 1931. Besides its certificate of public convenience and necessity, it owns certain franchise rights in the Town of Collbran, Colorado.

Subject to the approval of this Commission, applicant, Plateau Valley Light and Power Company, has sold all of its electrical and utility property which it owns, holds, and uses for the purpose of serving the citizens of Collbran and adjacent territory in Plateau Valley, to the Grand Valley Rural Power Lines, Inc., a non-profit, cooperative association incorporated under the

provisions of Chapter 62 of the Session Laws of Colorado, 1913 (Secs. 210-214, Chapter 41, 1935 C. S. A.), which corporation is financed and supervised by the Rural Electrification Administration, organized by an Act of Congress. The terms and conditions of said sale and purchase are set forth in copy of Agreement made by and between Plateau Valley Light and Power Company and Grand Valley Rural Power Lines, Inc., dated as of May 5, 1945, and marked "Exhibit No. 1", which by reference is made a part hereof.

The application was filed June 30, 1945, and hearing was had in Denver, Colorado, on July 30, 1945, and the matter was taken under advisement.

James R. Maile, manager of Grand Valley Rural Power Lines, Inc., in his testimony, identified a number of exhibits, namely:

1. Sales Agreement made by and between Plateau Valley Light and Power Company and Grand Valley Rural Power Lines, Inc.

2. By-Laws of Grand Valley Rural Power Lines, Inc.

3. Articles of Incorporation of the Grand Valley Rural Power Lines, Inc.

4. Copy of Minutes and proposed ordinance of Board of Trustees of the Town of Collbran, Colorado, and said exhibits were admitted in evidence.

He further stated that his company was now serving members of his association in Grand Valley; that its operations had been financed by the United States Government, and the directors of his association had authorized the purchase of these properties and arrangements had been made with the Rural Electrification Administration headquarters at St. Louis for financing same; that they had contacted personally nearly all of the present users of electrical energy now being served by the Plateau Valley Light and Power Company, and they had expressed their willingness to become members of the Association; that it was the plan of the Association to completely rebuild the transmission and feeder lines, improving and extending service farther into the rural areas, which means that many farmers now without essential electrical service and without hope of service from Plateau Valley Company, will be connected and receive electrical energy.

He further testified that negotiations were now in progress to secure a new franchise from the Town of Collbran in lieu of the one now held by the Plateau Valley Light and Power Company. Exhibit No. 4 is a copy of the Minutes and the proposed ordinance of the Board of Trustees of the Town of Collbran granting a franchise to the Grand Valley Rural Lines, Inc., and the instant application will be deemed by the Commission as including a prayer for a certificate of public convenience and necessity to exercise the rights and privileges to be granted thereby.

On cross-examination, the question arose as to whether the Association would amend its Articles of Incorporation and By-Laws to provide that service be rendered to non-members as well as members of the Association. Mr. Weiser, attorney for Grand Valley Rural Power Lines, Inc., stated they were not in a position to answer and would have to take the matter up with the Rural Electrical Administration headquarters in St. Louis. The Commission has since been advised that the Association agrees to amend its Articles of Incorporation and By-Laws to provide that service shall be rendered to non-members as well as members of the Association and agrees to advise the Commission when such amendment has been made, supplying the Commission with copies of the Articles of Incorporation and By-Laws as amended.

Protestant, Public Service Company of Colorado, has no objection to the transfer of the property, provided, however, that on transfer, the exercise of franchise rights, sale and distribution in the town of Collbran be brought within the jurisdiction of the Commission.

Findings.

The Commission Finds:

That the public convenience and necessity require the proposed transfer and sale to Grand Valley Rural Lines, Inc., a cooperative association, organized and existing under the laws of the State of Colorado, by the Plateau Valley Light and Power Company, of its certificate of public convenience and necessity and other property as set forth and more particularly described in Sale Agreement, dated May 5, 1945, being Exhibit No. 1 at the hearing, which by reference is made

a part hereof, for the consideration therein expressed, subject to the restrictions and conditions set forth in the order following, which in the opinion of the Commission the public interest requires; and require the exercise of the rights and privileges to be granted to transferee by the said ordinance of the Town of Collbran.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require the transfer and sale to Grand Valley Power Lines, Inc., a cooperative association, organized and existing under the laws of the State of Colorado, by the Plateau Valley Light and Power Company, of its certificate of public convenience and necessity, franchise rights, and other properties, as set forth and more fully described in Sale Agreement, dated as of May 5, 1945, being Exhibit No. 1 at the hearing, which by reference is made a part hereof, for the consideration therein expressed, subject to the following restrictions:

1. Grand Valley Rural Power Lines, Inc., shall immediately, and not more than ninety (90) days from date hereof, amend its Articles of Incorporation and By-Laws to provide that service shall be rendered to non-members as well as members of the Association, and properly advise this Commission of said action.

2. That upon the final passage of the ordinance, as set forth in Exhibit No. 4, granting the franchise to Grand Valley Rural Power Lines, Inc., by the by the Board of Trustees of the Town of Collbran, a certified copy thereof will be filed with this Commission, and this order shall be deemed to be a certificate of public convenience and necessity to exercise the rights and privileges thereby granted to transferee.

3. That upon completion and consummation of the transfer herein authorized, transferee shall take over and acquire all privileges and rights of Plateau Valley Light and Power Company under its certificate of public convenience and necessity and franchise from the Town of Collbran, Colorado, and shall assume and discharge all obligations thereby imposed upon said

Plateau Valley Light and Power Company under said certificate and franchise, and shall furnish service, including, without limiting the generality of the foregoing, the sale of electrical energy without discrimination between members and non-members of the Association, and all franchise and statutory rights of the Town of Collbran shall be fully retained by said town.

That jurisdiction of the instant application shall be retained to the end that such further order or orders may be entered as the Commission may deem necessary.

That transferee shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transformers and complaints into compliance with the Commission's requirements as to all of said acquired property, within thirty (30) days after consummation of said transfer.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of September, 1945.

BH

(Decision No. 24899)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK LOOMILLER, ROUTE 3, LONGMONT, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-3151.

APPLICATION NO. 6829-PP-BB

August 30, 1945

Appearances: Frank Loomiller, Longmont, Colorado, pro se;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Comet Motor Express Co., Inc.

S T A T E M E N T

By the Commission:

The above-styled matter was heard at Craig, Colorado, on August 9, 1945, pursuant to prior setting, and after due notice, and was taken under advisement.

At the hearing, it appeared that applicant wants to haul coal for Garner and Hessler from their Rusty Coal Mine, located about fifteen miles west of Steamboat Springs, to their tipple, located on the right of way of The Denver and Salt Lake Railway Company about one mile distant from said mine. The haul involves transportation over about one-half mile of public highway.

He asked that his application be amended to show request for that service, only.

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

F I N D I N G S

THE COMMISSION FINDS:

That said extension, as limited, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Frank Loomiller, Longmont, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-3151 to in-

clude the right to transport coal from the Rusty Coal Mine, located about fifteen miles west of Steamboat Springs, to tipple of Garner and Hessler, located on the right of way of The Denver and Salt Lake Railway Company, about one mile distant from said mine.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 30th day of August, 1945.

(Decision No. 24900)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF C. C. GIBSON, 6200 NORTH FEDERAL BOULEVARD, DENVER, COLORADO, FOR EXTENSION OF PERMIT N O. B-2959.

APPLICATION NO. 6287-PP-B

IN THE MATTER OF THE APPLICATION OF C. C. GIBSON, 6200 NORTH FEDERAL BOULEVARD, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2959 TO BILLIE J. WALL, ROUTE 1, BOX 15, SALIDA, COLORADO.

APPLICATION NO. 6287-PP-BA

September 4, 1945

Appearances: C. C. Gibson, Denver, Colorado, pro se;
Billie J. Wall, Salida, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado; for Mrs. George Cowan, Administratrix of the Estate of George Cowan, Deceased;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Yockey Truck Company.

S T A T E M E N T

By the Commission:

By Application No. 6287-PP-B, C. C. Gibson seeks authority to extend his operations under Permit No. B-2959 to include the right to haul livestock from points within a radius of ten miles of Denver, and from points within a radius of twenty miles of Salida, to Denver, Colorado.

By Application No. 6287-PP-BA, he seeks authority to transfer said operating rights, as extended, to Billie J. Wall, Salida, Colorado.

Said applications, after appropriate notice, were heard in Denver, Colorado, on August 6, 1945, and taken under advisement.

Under his Private Carrier Permit No. B-2959, applicant, among other things, is now authorized to haul livestock to sales barn located at 5800 Federal Boulevard, Denver, Colorado, from points within a radius of ten miles of

Denver, Colorado.

At the hearing, it appeared that he has a 1936 Dodge Truck, worth approximately $300.00; that he has sold said truck and said permit to Billie J. Wall, subject to approval of the Commission, for the sum of One Thousand Dollars ($1,000.00), which sum he has received in cash; that he expects, if the authority requested is granted, to haul livestock for the public, generally; that it would not be possible for him to know in advance of the time of hauling who will require his service; that transferee will live in Salida, and expects to increase the equipment, and to maintain trucks in Denver and in Salida; that Cowan's service in the Salida district has been adequate; that Gibson, during the two years that he has operated, has not hauled in excess of fifty head of cattle under his permit.

From the testimony of Ralph Yockey and Earl Cowan, it appeared that the service in the Salida area and the Denver area is adequate; that Cowan has two pieces of equipment with "28-foot and 24-foot" trailers, and Ralph Yockey has eight pieces of equipment, some trailers being forty feet in length. They testified that, at this time, they do not have sufficient business to keep their trucks operating; that the granting of additional authority will tend to take business away from them; that they will be less able to maintain equipment, and may be compelled to sell some equipment, thus placing them in a position where they may not be able to care for peak movements of cattle, thus impairing the efficiency of their respective operations.

It also appeared that Billie J. Wall has had some experience as a trucker, he having been employed for two years as a truck driver by George Cowan, and also was employed for one year by Southwestern Transportation Company. While working for Cowan, he trucked cattle from the Salida district to Denver. It also appeared that he has the necessary pecuniary responsibility to carry on the operation.

F I N D I N G S

THE COMMISSION FINDS:

That the granting of the proposed extended authority would tend to impair the efficiency of the common carrier service furnished under the Cowan Certificate (PUC No. 1250), and the Yockey Certificate (PUC No. 900); that

applicant does not propose to conduct a Private Carrier service under the authority sought, but intends to operate as a common carrier; that he cannot so do legally; that the granting of the extended authority sought is not in the public interest, and should be denied; that transferee, Billie J. Wall, pecuniarily and otherwise, is qualified to carry on the operation; that there are no outstanding unpaid operating accounts; that the proposed transfer is in the public interest, and the authority sought should be granted; that ton-mile tax deposit of transferor should be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That Application No. 6287-PP-B be, and the same hereby is, denied.

That C. C. Gibson, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2959 to Billie J. Wall, Salida, Colorado.

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

This order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit of transferor shall be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of September, 1945.

mw

(Decision No. 24901)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF)
VERNE M. DECKER, HAYDEN, COLORADO,) APPLICATION NO. 5225-PP-BBB-AB
FOR AUTHORITY TO EXTEND HIS OPERA-)
TIONS UNDER PERMIT NO. A-2493.)

September 4, 1945

Appearances: Verne M. Decker, Hayden, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, for Larson Transportation Company;
Sylvester C. Horn, Esq., Denver, Colorado, for Walter Utzinger;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Comet Motor Express, Inc., North Park Transportation Company.

S T A T E M E N T

By the Commission:

The above-styled matter, pursuant to prior setting and appropriate notice, was heard at Craig, Colorado, on August 9, 1945, and taken under advisement.

As limited by the testimony offered at the hearing, and amendments to the application, applicant herein seeks authority to extend his operations under Permit No. A-2493 to include the right to transport mining machinery and mining supplies from mines within the area extending 25 miles north, east and south of Hayden, and to the Routt-Moffat County Line on the west, to coal mines in the Hayden Coal Fields, with back-haul of said commodities to Hayden from said Hayden mines, without the right to transport said commodities from or to Steamboat Springs, to or from said mines; also, the transportation of highway equipment and machinery, and Soil Conservation equipment (tractors and shovels), between points in Routt County, without the right to transport

said commodities from or to Steamboat Springs, to or from points in Routt County.

At the hearing, it appeared that, primarily, applicant is engaged in hauling coal for Ramsay Coal Company, and Dry Creek Coal Company Mines, near Hayden, Colorado; that Hayden Transfer operates a general cartage and transfer truck service in said area, with headquarters at Hayden; that they have been unable to furnish service required by the mining companies; that frequently it is necessary to move mining supplies and machinery, rails, ties, pit cars, hoists, motors, etc., from Hayden to the mines, which are distant about six miles; that said commodities, sometimes, are hauled from Oak Creek, which is within said 25-mile radius, to the Hayden Mines, and from the mines into Hayden for shipment by rail to some repair point — or possibly to some other mine; that the Soil Conservation Service has been unable to get anyone to move tractors, shovels, or drag lines between conservation jobs in the county; that, ordinarily, the haul is only a few miles, but it is important to the Soil Conservation Service and the farmer who is getting the benefit of said service, to have said equipment moved when necessary.

It would appear that the proposed operations will not impair the efficiency of any adequate common carrier service, and apparently the Hayden Transfer Company does not object to the issuance of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the extension sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Verne M. Decker, Hayden, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. A-2493 to include the right to transport mining machinery and mining supplies from mines within the area extending 25 miles north, east and south of Hayden, and to the Routt-Moffat County Line on the west, to coal mines in the Hayden Coal Fields, with back-haul of said commodities to Hayden from said Hayden mines, without the right to transport said commodities from or to Steamboat Springs, to or from said mines; also, the transportation of highway equipment and machinery, and Soil

Conservation equipment — tractors and shovels — between points in Routt County, without the right to transport said commodities from or to Steamboat Springs, to or from points in Routt County.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of September, 1945.

mw

(Decision No. 24902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. C. HUNTER, SPRINGFIELD, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.) APPLICATION NO. 1001-B-AAA-A
304 TO CAMET PORTER, SPRINGFIELD,)
COLORADO.)

September 4, 1945

Appearances: L. C. Hunter, Springfield, Colorado, pro se;
Camet Porter, Springfield, Colorado, pro se.

S T A T E M E N T

By the Commission:

On November 5, 1928, in Application No. 1001, Decision No. 1987, Ralph T. Preston was granted a certificate of public convenience and necessity, authorizing the transportation of:

> freight, on schedule, between Springfield and Lamar, and intermediate points, and the transportation of agricultural products, including livestock, and household furniture, from Springfield and the territory within a radius of 50 miles thereof to Lamar and other points within ten miles of Lamar, excluding service in territory then being served by other authorized certificate holders, if any.

On January 20, 1937, Decision No. 9323, said certificate was extended to include the right:

> to transport commodities generally between Springfield, Colorado, and Vilas, Walsh, Stonington, Midway, Richards and Redley, and intermediate points, and between Springfield and Campo and intermediate points on schedule, and between Springfield and Two Buttes on call and demand.

Thereafter, by Decision No. 16063, said authority, which had been designated "PUC No. 304," was transferred to H. B. Reynolds, doing business as "North Plains Motor Freight Lines," and later by Decision No.

18560, said authority was transferred to Lee H. Fauret, of Springfield, Colorado, who, pursuant to Decision No. 20995, transferred said certificate to L. C. Hunter.

Said L. C. Hunter now seeks authority to transfer his operating right to Camet Porter, Springfield, Colorado.

Inasmuch as our files show that said certificate is in good standing; that there are no outstanding unpaid operating accounts; that the cash deposit is to be transferred to the account of transferee, it would seem that no useful purpose would be met by setting said matter for formal hearing -- especially in view of the fact that we will be unable to go to Springfield or a near-by town for a considerable period of time.

There are no competing carriers who would be interested in these proceedings.

The operating experience and pecuniary responsibility of transferee were established to the satisfaction of the Commission. It appears from the files that his net worth is $6,700.00.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted, conditioned upon payment by transferee of all unpaid ton-mile tax due the Commission to date of transfer, and that ton-mile tax deposit should be transferred to the account of transferee.

O R D E R

THE COMMISSION ORDERS:

That L. C. Hunter, Springfield, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 304 to Camet Porter, Springfield, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of transferee until changed, according to law and the rules and regulations of this Commission.

Transfer of operating rights herein authorized is subject to payment, by transferee, of all ton-mile tax due the Commission to date of transfer.

Ten-mile tax deposit of transferor shall be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of September, 1945.

mw

(Decision No. 24903)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GLEN C. FRY, LAFAYETTE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 7010-PP

August 30, 1945

Appearances: Glen C. Fry, Lafayette, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was heard, pursuant to prior setting, at Denver, Colorado, on July 27, 1945, and taken under advisement.

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of said, gravel, coal, cinder blocks, bricks, and building materials, in dump truck equipment, only, between points within a radius of twenty-five miles of Lafayette, without the right to transport such commodities as are ordinarily handled by line-haul motor vehicle common carriers between points served by them, on schedule.

No one appeared in opposition to the granting of the authority sought.

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

It did not appear that the proposed operation will impair the efficiency of any adequate authorized motor vehicle common carrier service.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Glen C. Fry, Lafayette, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, coal, cinder blocks, bricks, and building materials, in dump-truck equipment, only, between points within a radius of twenty-five miles of Lafayette, without the right to transport such commodities as are ordinarily handled by line-haul motor vehicle common carriers between points served by them, on schedule.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 30th day of August, 1945.

(Decision No. 24904)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

RE MOTOR VEHICLE OPERATIONS OF CLARENCE BOSHART, 1340 SOUTH 25th ST., COLORADO SPRINGS, COLORADO, PERMITS NOS. 3030 & C-8998.

CASE NO. 34011-Ins.

August 30, 1945.

S T A T E M E N T

By the Commission:

On July 28, 1945, by Decision No. 34011-Ins., Permits Nos. B-3030 and C-8998 were revoked on account of failure of respondent to file insurance.

It appears from the correspondence and files that insurance was improperly filed for Permits B-3030 and C-8998 under the names of W. D. Paulson and J. M. Torrence, doing business as The Manitou Fuel and Transfer Company. On August 4, 1945, endorsement was filed by the insurance company showing ownership in Clarence Boshart, 1340 South 25th St., Colorado Springs, Colorado.

After careful consideration of the record, the Commission is of the opinion, and finds, that our Decision No. 34011-Ins. should be set aside and cancelled, and said Permits Nos. B-3030 and C-8998 restored to their former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 34011-Ins., be, and the same hereby is, set aside and cancelled, and Permits Nos. B-3030 and C-8998 restored to their former status, as of July 28, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of August, 1945.
BH

(Decision No. 24905)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

RE MOTOR VEHICLE OPERATIONS OF)
JOHN CHASTAIN, LEWIS, COLORADO,) CASE NO. 33897-T
P.U.C. NO. 1274.)

August 30, 1945.

S T A T E M E N T

By the Commission:

On July 6, 1945, by Decision of this Commission, certificate of public convenience and necessity No. 1274 was revoked and cancelled because of failure to maintain a tariff on file as required by law and the rules and regulations of the Commission.

It appears from the correspondence and files that insurance agent for respondent filed a list of rates, intending same to be a tariff, which was returned to respondent rejected.

Respondent explains that he is a Star Route mail carrier and due to his lack of understanding of tariffs and procedure and his dependence upon an agent who is not familiar with tariff filings, he failed to file within the prescribed time.

It further appears that respondent now has a proper tariff on file, and requests in his letter of July 28, 1945, that the order revoking his certificate be set aside and cancelled.

In view of the fact that respondent made an effort to comply by his attempted filing, the Commission finds that said decision should be set aside and cancelled and PUC No. 1274 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That the Commission's decision in Case No. 33897-T be, and the same hereby is, set aside and cancelled, and PUC No. 1274 be restored to its former status, as of July 6, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of August, 1945.

BH

(Decision No. 24906)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JESSE A. RATLIFF, JAMES M. RATLIFF, AND LYNN RATLIFF, DOING BUSINESS AS "RATLIFF BROS.", ROUTE 1, UTLEYVILLE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 7022-PP

August 30, 1945

Appearances: James M. Ratliff, Utleyville, Colorado, for applicants; Frank H. Hall, Esq., Trinidad, Colorado, for R. A. Moore, R. S. Thompson, James Richardson.

S T A T E M E N T

By the Commission:

As limited by stipulation of parties tendered at the hearing in Trinidad, Colorado, on July 30, 1945, applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of grain, only, during the current emergency, between points within a radius of twenty-five miles of Kim, and from points in said area to Springfield, Lamar, La Junta, and Trinidad, Colorado.

Protestants withdrew objections to the granting of the authority sought.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Jesse A. Ratliff, James M. Ratliff, and Lynn Ratliff, do-

ing business as "Ratliff Bros.," Utleyville, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of grain, only, during the current emergency,- that is, until February 1, 1946, unless, for good cause shown, said authority is sooner revoked by the Commission or extended to some day beyond said period, between points within a radius of twenty-five miles of Kim, and from points in said Kim area to Springfield, Lamar, La Junta, and Trinidad, Colorado.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 30th day of August, 1945.

Commissioners.

(Decision No. 24907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. V. ALLEN, 1220 NORTH 11TH, CANON CITY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7006-PP

August 30, 1945

Appearances: H. V. Allen, Canon City, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was heard in Colorado Springs, Colorado, on July 17, 1945, and taken under advisement.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal, silica rock, and clay, between points within a radius of twenty-five miles of Canon City, Colorado.

No one appeared in opposition to the granting of the authority sought.

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

It appeared that the common carrier service in said area for the movement of said commodities is inadequate. It did not appear that the granting of the authority sought will impair the efficiency of any competing common carrier service, adequate or otherwise.

F I N D I N G S

THE COMMISSION FINDS :

That the service proposed by applicant is in the public interest and that said permit should be granted.

O R D E R

THE COMMISSION ORDERS:

That H. V. Allen, Canon City, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal, silica rock, and clay, between points within a radius of twenty-five miles of Canon City, Colorado.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 30th day of August, 1945.

Commissioners

(Decision No. 24908)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MOUNTAIN STATES AVIATION, INC., DEN-)
VER, COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 6520
SUPPLEMENTAL ORDER

August 31, 1945

STATEMENT

By the Commission:

On May 31, 1945, the Commission entered its order suspending scheduled air transportation service by applicant until September 1, 1945, or until such further time as the Commission might order, either upon its own motion or upon application of applicant, unless the Commission should, prior to said First Day of September, 1945, or prior to such extended time, by order, either upon its own motion or upon application of applicant, or upon complaint of interested parties, permit or require applicant to resume service.

No further action has been taken in said matter.

The Commission is in receipt of a letter, dated August 20, 1945, from Mountain States Aviation, Inc., by its Attorney, Donald B. Robertson, requesting further suspension until such further time as the Commission may order, either upon its own motion or upon application of applicant, and assigning as reason therefor, inability to procure suitable and adequate equipment.

The same situation now exists with respect to availability of equipment, landing facilities and airports as existed at the time of the order of May 31, 1945, except that improvements of airports referred to have not yet been made. Applicant should be permitted further suspension for the reason assigned.

O R D E R

IT IS ORDERED:

Applicant is authorized and required to suspend its air transportation service which was authorized by certificate of public convenience and necessity issued by this Commission, until such time as the Commission may order, either upon its own motion or upon application of applicant, or upon complaint of interested parties.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of August, 1945.

mw

(Decision No. 24909)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS)
OF DELBERT FARRA, OF ROUTE) P. U. C. NO. 1068
2, MONTROSE, COLORADO.)

September 1, 1945

S T A T E M E N T

By the Commission:

On December 15, 1944, by Decision No. 22997, the Commission authorized Delbert Farra to suspend operations under P.U.C. No. 1068 for a period of not to exceed six months from December 1, 1944.

The Commission is now in receipt of a communication from certificate holder requesting that his certificate be reinstated.

After careful consideration, the Commission is of the opinion, and finds, that said certificate should be reinstated as of June 1, 1945, certificate holder having on file the necessary certificate of insurance and otherwise having complied with the rules and regulations of the Commission.

O R D E R

IT IS ORDERED:

That Certificate of Public Convenience and Necessity No. 1068 be, and the same hereby is, reinstated as of June 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of September, 1945.

R

(Decision No. 24910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. E. EAGLETON, OF DEL NORTE,)
COLORADO.) PERMIT NO. C-1974
)
)
)

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from O.E. Eagleton of Del Norte, Colorado, requesting that his Permit No. C-1974 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1974, heretofore issued to O. E. Eagleton, be, and the same is hereby, declared cancelled effective July 31, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Johnson

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24911)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CHARLES L. GROSS, OF) PERMIT NO. C-178
KARVAL, COLORADO.)
)
)

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles L.Gross of Karval, Colorado, requesting that his Permit No. C-178 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-178, heretofore issued to Charles L. Gross, be, and the same is hereby, declared cancelled effective August 8, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 1945

R

(Decision No. 24912)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SELDOMRIDGE GRAIN CO., OF) PERMIT NO. C-786
201 W. COLORADO AVE., COLORADO)
SPRINGS, COLORADO.)
)

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Seldomridge Grain Company of Colorado Springs, Colorado, requesting that his Permit No. C-786 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-786, heretofore issued to the Seldomridge Grain Company, be, and the same is hereby, declared cancelled effective August 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24913)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF P. E. BLAKESLEY, OF HOLYOKE, COLORADO.

PERMIT NO. C-13745

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from P. E. Blakesley of Holyoke, Colorado, requesting that his Permit No. C-13745 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13745, heretofore issued to P. E. Blakesley, be, and the same is hereby, declared cancelled effective July 30, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24914)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF EDWARD SCHLITT, OF P O BOX 585, WINDSOR, COLORADO.

PERMIT NO. C-7447

September 7, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward Schlitt of Windsor, Colorado,

requesting that his Permit No. C-7447 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. C-7447, heretofore issued to Edward Schlitt, be, and the same is hereby, declared cancelled effective August 6, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry D. Thoreau

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24915)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CROW MERCANTILE CO.,)
RYE STAR ROUTE, PUEBLO, COLORADO,) PERMIT NO. C-5949
)
)

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Crow Mercantile Company of Pueblo, Colorado, requesting that his Permit No. C-5949 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5949, heretofore issued to the Crow Mercantile Company, be, and the same is hereby, declared cancelled effective August 9, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Lewis D. Peterman

Addison-Emerson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24916)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. L. OVERMYER, OF KREMMLING,) PERMIT NO. C-5204
COLORADO.)
)
)

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. L. Overmyer of Kremmling, Colorado, requesting that his Permit No. C-5204 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5204, heretofore issued to A. L. Overmyer, be, and the same is hereby, declared cancelled effective July 12, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Palmer

/s/ Thelma Erickson

/s/ Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24917)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE M. NEWBURY, OF 501 NORTH 1st, GRAND JUNCTION, COLORADO.)

PERMIT NO. C-16041

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George M. Newbury of Grand Junction, Colorado, requesting that his Permit No. C-16041 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-16041, heretofore issued to George M. Newbury, be, and the same is hereby, declared cancelled effective August 11, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Madeleine Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24918)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY J. WOOD AND IRENE WOOD)
d/b/a AMERICAN FEED AND FUEL) PERMIT NO. C-15974
COMPANY, OF 2217 EAST PLATTE)
AVE., COLORADO SPRINGS, COLORADO.)

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Roy J. Wood and Irene Wood, doing business as American Feed & Fuel Company of Colorado Springs, Colorado, requesting that his Permit No. C-15974 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15974, heretofore issued to Roy J. Wood and Irene Wood d/b/a American Feed & Fuel Company, be, and the same is hereby, declared cancelled effective August 11, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Sherman

Thaddeus Erickson

Ralph C. Newton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24919)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF G. F. MITCHELL, OF 505 AVENUE, M., LUBBOCK, TEXAS.

PERMIT NO. C-15960

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. F. Mitchell of Lubbock, Texas, requesting that his Permit No. C-15960 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15960, heretofore issued to G. F. Mitchell, be, and the same is hereby, declared cancelled effective July 26, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

/s/ Peterson Erickson

/s/ Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 1945

R

(Decision No. 24920)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RUSSELL McGAHEN AND RICHARD) PERMIT NO. C-15674
RAY McGAHEN, DOING BUSINESS AS)
RUSSELL McGAHEN & SON, OF)
FLAGLER, COLORADO.)

September 7, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Russell McGahen & Richard Ray McGahen d/b/a Russell McGahen & Son of Flagler, Colorado, requesting that his Permit No. C-15674 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. C-15674, heretofore issued to Russell McGahen & Richard Ray McGahen d/b/a Russell McGahen & Son, be, and the same is hereby, declared cancelled effective August 17, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF LOUIS LUCERO, OF CENTER, COLORADO.

PERMIT NO. C-15375

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Louis Lucero of Center, Colorado, requesting that his Permit No. C-15375 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15375, heretofore issued to Louis Lucero, be, and the same is hereby, declared cancelled effective August 9, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Chairman Commissioner

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24922)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. L. EASTMAN, OF HILLSIDE,) PERMIT NO. C-15334
COLORADO.)
)
)

September 7, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. L. Eastman of Hillside, Colorado, requesting that his Permit No. C-15334 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15334, heretofore issued to C. L. Eastman, be, and the same is hereby, declared cancelled effective August 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry C. Sherman

/s/ Malcom Erickson

/s/ Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 7th day of September, 19 45

R

(Decision No. 24923)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE SERVICE, RULES, AND REGULATIONS OF A. MILNER, JOHN L. TRENTMAN, AND HARRY C. TRENTMAN, A CO-PARTNERSHIP, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF "TRENTMAN-MILNER COMPANY," AND "NORTH FEDERAL WATER SYSTEM."

CASE NO. 4930

September 7, 1945

Appearances: E. B. Evans, Esq., Denver, Colorado, for The Public Utilities Commission of the State of Colorado;
Donald C. McCreery, Esq., and Charles J. Kelly, Esq., Denver, Colorado, for Respondents.

S T A T E M E N T

By the Commission:

Hearing on the above matter was begun in Denver, Colorado, on August 2, 1945, and on said date was continued for further hearing on August 20, 1945.

The proceedings were upon a Complaint and Order to Show Cause as to why the Commission should not enter an order requiring respondent, a public utility furnishing water to consumers within the area described in its Certificate, to drill an additional well or wells, or enlarge its plant and facilities, so as to furnish an adequate supply of water to respondent's customers; and as to the adequacy or inadequacy of the supply of water furnished to such customers. Upon motion by attorney for the Commission, the Complaint and Order to Show Cause was amended to include not only present customers but "proposed customers desiring service."

Five witnesses, customers of respondent, testified as to the general inadequacy of water furnished them by respondent. These witnesses

used water for domestic purposes, only, and were without water for short periods of time at various intervals throughout the year. They were unable to determine the cause of such inadequacy, but it is apparent from their testimony concerning their own supply, and supply of others being served by respondent, that the customers of respondent have not generally received an adequate supply of water. A school within the area served by respondent was compelled to close for two successive days during the past school season on account of lack of water.

C. L. Flower, engineer for the Commission, testified that, in his opinion, the present system would be adequate for present customers, and for seventy or eighty additional customers, if water was used only for household purposes. He stated that the present system will furnish from 1600 to 3000 gallons per customer per month, and that the pumps in use would produce that amount. This amount is greater than average use by those now served, there being approximately 102 present customers.

It is not deemed necessary to analyze the testimony in detail in view of the ensuing order of the Commission.

Respondent sought to justify lack of delivery of water upon the ground that customers were using water for irrigation purposes, but he admitted that he had been unable to apprehend anyone so using the same. It was apparent from his testimony, however, that little supervision over the system had existed in the past. Two storage tanks are not kept full at all times, and respondent's reason for such intermittent situations was that the tanks leaked.

It seems, from the evidence, that lack of adequate service, which was apparent from the testimony, might have been caused by one, or a combination, of the following causes:

1. Lack of proper management and supervision.
2. Lack of adequate storage facilities.
3. Lack of pumping capacity to refill storage tanks promptly enough to insure delivery of peak demand for water used by customers of respondent.

4. Lack of ample storage capacity to render adequate service to customers at high points on the line.

The evidence showed that customers living at higher points on the mains ran out of water first.

F I N D I N G S

THE COMMISSION FINDS:

That respondent shall not be required by the present order to drill any additional wells. The Commission further finds, however, that the service now being rendered by respondent is inadequate and insufficient to adequately fulfill the public convenience and necessity of those whom respondent is required to serve under its certificate. The Commission does not presume, however, inasmuch as the evidence submitted was not sufficient to justify an opinion, to determine the cause of such inadequacy of supply to present customers, or to proposed customers desiring service. Such determination, and the remedying of the inadequacy, will be left, at this time, to respondent. Inasmuch as the Order to Show Cause contemplated hearing relating to:

> "adequacy or inadequacy of the supply of water furnished by the respondent to its customers, or to be furnished to proposed customers desiring service located in the territory described," in said Order,

and as to why the Commission should not enter an order requiring the respondent:

> "to enlarge its plant and facilities so as to furnish an adequate supply of water to respondent's said customers, and to proposed customers desiring service, or enter such other order or orders to that end as may be proper herein,"

the Commission should retain jurisdiction in the matter to enter any and all proper orders upon further hearing or hearings, to the end that adequate service may be rendered. Respondent should forthwith seek the cause or causes of such inadequacy of service and remedy the same within a reasonable length of time.

O R D E R

THE COMMISSION ORDERS:

That the Commission retains jurisdiction of the instant matter and sets the same for further hearing at 10:00 o'clock a. m., on Wednesday, the 12th day of December, 1945, at its Hearing Room, 330 State Office Building, Denver, Colorado, at which time respondent is ordered to show to the Commission, by competent evidence, that the present inadequacy and insufficiency of service to customers and proposed customers of respondent has been remedied, and that adequate service and a sufficient supply of water is being furnished to respondent's said customers and can be furnished to proposed customers then desiring service, or to show cause why such inadequacy of service and insufficiency of supply of water cannot be remedied.

Upon such hearing, the Commission may enter any and all further appropriate orders as in its judgment seems advisable in the premises, to the end that adequate service and an adequate supply of water may be furnished to respondent's present customers and to proposed customers desiring service.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 7th day of September, 1945.

(Decision No. 24924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE PUBLIC SERVICE COMPANY OF COLORADO, FOR CLARIFICATION AND RATIFICATION OF ITS EXISTING RIGHTS TO SERVE THE TERRITORY KNOWN AS ITS "SALIDA DISTRICT;" FOR CONSOLIDATION INTO ONE CERTIFICATE OF CONVENIENCE AND NECESSITY OF EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY IN SAID TERRITORY OF THE AREA SERVED AND TO BE SERVED; AND FOR EXTENSION OF SERVICE THEREIN.

APPLICATION NO. 6806
SUPPLEMENTAL ORDER

September 6, 1945

Appearances: Lee, Shaw, and McCreery, Esqs., Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On August 21, 1945, Decision No. 24860 was entered in the above cause.

The Commission is now in receipt of Petition filed September 1, 1945, signed by The Public Service Company of Colorado, by Lee, Shaw, and McCreery, its attorneys, by The Colorado State Association of REA Cooperatives, by William Hedges Robinson, Jr., its attorney, and by The Holy Cross Electric Association, by William Hedges Robinson, Jr., its attorney, setting forth that since hearings were held in the above matter, certain material and important facts concerning the matters in question have developed, which facts have not heretofore been brought to the attention of the Commission, and that it is to the best interest of the public that such facts be heard by the Commission before any order becomes effective in the matter.

The Petition prays for an order vacating the order previously entered herein, and re-opening the matter for further hearing.

F I N D I N G S

THE COMMISSION FINDS:

That the request of petitioners should be granted.

O R D E R

THE COMMISSION ORDERS:

That the order heretofore entered in the above matter on August 21, 1945, being Decision No. 24860, is vacated, and the matter is reopened for further hearing, the place, time, and date of which will be set by the Commission upon agreement with the parties, or upon further order of the Commission.

This order is effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of September, 1945.

mw

(Decision No. 24925)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

Original

IN THE MATTER OF THE APPLICATION OF THE PUBLIC SERVICE COMPANY OF COLORADO FOR CLARIFICATION AND RATIFICATION OF ITS EXISTING RIGHTS TO SERVE THE TERRITORY KNOWN AS ITS "GRAND JUNCTION DISTRICT;" FOR CONSOLIDATION INTO ONE CERTIFICATE OF CONVENIENCE AND NECESSITY OF EXISTING CERTIFICATES IN SAID TERRITORY OF THE AREA SERVED AND TO BE SERVED; AND FOR EXTENSION OF SERVICE THEREIN.

APPLICATION NO. 6807
SUPPLEMENTAL ORDER

September 6, 1945

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado, and J. P. Helman, Esq., Grand Junction, Colorado, for applicant;
Louis Gorrin, Boatman's Bank Building, St. Louis, Missouri, and
W. E. Parkison, Glenwood Springs, Colorado, for Holy Cross Electric Association;
David McKee, Esq., Denver, Colorado, for Rocky Mountain Farmers' Union.

S T A T E M E N T

By the Commission:

On August 21, 1945, Decision No. 24859 was entered in the above cause.

The Commission is now in receipt of Petition filed September 1, 1945, signed by The Public Service Company of Colorado, by Lee, Shaw and McCreery, its attorneys, by The Colorado State Association of REA Cooperatives, by William Hedges Robinson, Jr., its attorney, and by The Holy Cross Electric Association, by William Hedges Robinson, Jr., its attorney, setting forth that since hearings were held in the above matter, certain material and important facts concerning the matters in question have developed, which

facts have not heretofore been brought to the attention of the Commission, and that it is to the best interest of the public that such facts be heard by the Commission before any order becomes effective in the matter.

The Petition prays for an order vacating the order previously entered herein, and re-opening the matter for further hearing.

F I N D I N G S

THE COMMISSION FINDS:

That the request of petitioners should be granted.

O R D E R

THE COMMISSION ORDERS:

That the order heretofore entered in the above matter on August 21, 1945, being Decision No. 24859, is vacated, and the matter is re-opened for further hearing, the place, time, and date of which will be set by the Commission upon agreement with the parties, or upon further order of the Commission.

This order is effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of September, 1945.

mw

(Decision No. 24926)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
LESTER D. PICKERING, BONANZA, COLO-)
RADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 5058-PP-A
PERMIT NO. B-2411 TO JAMES L. STRAH,)
SALIDA, COLORADO.)

Sept. 10, 1945.

S T A T E M E N T

By the Commission:

By Decision No. 13924, of date August 29, 1939, Lester D. Pickering was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> Ore, coal, wood and mining machinery between points within a radius of ten miles of Bonanza, Colorado, and from said area to and from Villa Grove; ore from mines within a ten-mile radius of Bonanza, Colorado, to Leadville, Colorado.

He now seeks authority to transfer said permit to James L. Strah, of Salida, Colorado.

Inasmuch as the authority authorized is furnished by applicant in an area in which he does not compete with common carrier service, and inasmuch as no one objected to the granting of the authority sought when it was granted, and it appears from the records and files of the Commission that said permit is in good standing; that there is no outstanding unpaid operating account, the Commission is of the opinion, and finds, that no useful purpose would be served by setting said matter for formal hearing, after notice, and therefore heard said matter forthwith without formal notice, and took the matter under advisement.

Findings

THE COMMISSION FINDS:

That the authority sought should be granted; that ton-mile tax deposit of transferor should be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That Lester D. Pickering, Bonanza, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2411 to James L. Strah, Salida, Colorado.

That ton-mile tax deposit of transferor be transferred to account of transferee.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of September, 1945.

BH

(Decision No. 24927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF E. W. LEE, OF 259 COLORADO AVENUE, GRAND JUNCTION, COLORADO.

PERMIT NO. C-15251

September 10, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. W. Lee of Grand Junction, Colorado, requesting that his Permit No. C-15251 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15251, heretofore issued to E. W. Lee, be, and the same is hereby, declared cancelled effective June 26, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 10th day of September, 1945.

R

(Decision No. 24928)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. L. PADDOCK, OF RUSH, COLORADO.) PERMIT NO. C-14671
)

September 10, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. L. Paddock of Rush, Colorado, requesting that his Permit No. C-14671 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. C-14671, heretofore issued to W. L. Paddock, be, and the same is hereby, declared cancelled effective August 8, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 10th day of September, 19 45

R

(Decision No. 24929)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF TONY PASSARELLI, OF 340 E. STRONG, TRINIDAD, COLORADO.

PERMIT NO. C-14102

September 10, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tony Passarelli of Trinidad, Colorado, requesting that his Permit No. C-14102 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14102, heretofore issued to Tony Pssarelli, be, and the same is hereby, declared cancelled effective August 19, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 10th day of September, 19 45

R

(Decision No. 24930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JOHN BUNKER, OF 1045 BANNOCK STREET, DENVER, COLORADO.

PERMIT NO. C-13906

September 10, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Bunker of Denver, Colorado, requesting that his Permit No. C-13906 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13906, heretofore issued to John Bunker, be, and the same is hereby, declared cancelled effective August 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 10th day of September, 19 45

R

(Decision No. 24931)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SLOAN'S MOVING AND STORAGE)
COMPANY, OF 5619 DELMAR BLVD.,) PUC 1123-I
ST. LOUIS, 12, MISSOURI.)

September 10, 1945.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named company, of St. Louis, Missouri, requesting that its PUC No. 1123-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That PUC 1123-I, heretofore issued to the Sloan's Moving and Storage Company, be, and the same is hereby, declared cancelled, effective August 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of September, 1945.

R

(Decision No. 24932)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BERT RICE TRUCK SERVICE, OF) PUC 1326-I
P. O. BOX 1, McPHERSON, KANSAS.)

September 10, 1945.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named company, of McPherson, Kansas, requesting that its PUC 1326-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That PUC 1326-I, heretofore issued to the Bert Rice Truck Service, be, and the same is hereby, declared cancelled, effective August 13, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of September, 1945.

R

(Decision No. 24933)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF H. W. BOLDT, C/o ED BOLDT, ADMINISTRATOR OF ESTATE OF H. W. BOLDT, 749 SOUTH 4th, CANON CITY, COLORADO.

PERMIT NO. A-151

September 10, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ed Boldt, Adm. Estate of H. W. Boldt of Canon City, Colorado, requesting that his Permit No. A-151 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. A-151, heretofore issued to H. W. Boldt, be, and the same is hereby, declared cancelled effective August 21, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcom Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 10th day of September, 1945.

R

(Decision No. 24934)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF A. W. KUPFNER, OF SUPERIOR, COLORADO.

PERMIT NO. B-3138

Sept. 10, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. W. Kupfner of Superior, Colorado, requesting that his Permit No. B-3138 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-3138, heretofore issued to the A. W. Kupfner, be, and the same is hereby, declared cancelled effective August 17, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Thomas

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 10th day of September, 1945

R

(Decision No. 24935)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SOREN SEIERSEN, OF ELK MOUNTAIN, WYOMING.) PERMIT NO. B-2629-I

September 10, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Soren Seiersen of Elk Mountain, Wyoming, requesting that his Permit No. B-2629-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2629-I, heretofore issued to Soren Seiersen, be, and the same is hereby, declared cancelled effective August 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry D. Sherman

Malcolm Ericson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 10th day of September, 1945

R

(Decision No. 24936)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY E. HARPER, OF 809 N.)
ALEXANDER, COLORADO SPRINGS,) PERMIT NO. C-16127
COLORADO.)
)
)

September 10, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ray E. Harper of Colorado Springs Colorado, requesting that his Permit No. C-16127 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-16127, heretofore issued to Ray E. Harper, be, and the same is hereby, declared cancelled effective September 3, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Thorman

Madison Ericsson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 10th day of September, 1945

R

(Decision No. 24937)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ST. VRAIN VALLEY MILLING COMPANY, OF 204 EMERY STREET, LONGMONT, COLORADO.

PERMIT NO. C-15513

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the St. Vrain Valley Milling Company of Longmont, Colorado, requesting that his Permit No. C-15513 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15513, heretofore issued to the St. Vrain Valley Milling Company, be, and the same is hereby, declared cancelled effective August 10, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Milton Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 19 45

R

(Decision No. 24938)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF PAUL TIPTON, DOING BUSINESS AS BYERS SUPPLY COMPANY, BYERS, COLORADO.

PERMIT NO. C-15028

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Paul Tipton, doing business as Byers Supply Company of Byers, Colorado, requesting that his Permit No. C-15028 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15028, heretofore issued to Paul Tipton, doing business as Byers Supply Company, be, and the same is hereby, declared cancelled effective August 25, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Malcolm Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 1945

R

(Decision No. 24939)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALBERT A. MOSER, OF EVANS,) PERMIT NO. C-15383
COLORADO.)
)
)

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Albert A. Moser of Evans, Colorado, requesting that his Permit No. C-15383 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15383, heretofore issued to Albert A. Moser, be, and the same is hereby, declared cancelled effective August 27, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry O. Thorman

Malcolm Erickson

Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 19 45

R

(Decision No. 24940)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CALLBECK-GOODMAN LUMBER COMPANY)
MONTEZUMA, COLORADO.) PERMIT NO. C-15009
)
)
)

September 11, 1945.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Callbeck-Goodman Lumber Company of Montezuma, Colorado, requesting that his Permit No. C-15009 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15009, heretofore issued to the Callbeck-Goodman Lumber Company, be, and the same is hereby, declared cancelled effective August 24, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ Henry O. Sherman

Malcolm Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 19 45

R

(Decision No. 24941)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANCIS WOLF, OF ROUTE 1,)
BOONE, COLORADO.) PERMIT NO. C-14666
)
)
)

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Francis Wolf of Route 1, Boone, Colorado, requesting that his Permit No. C-14666 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14666, heretofore issued to Francis Wolf, be, and the same is hereby, declared cancelled effective July 25, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Thomas

Malcom Erickson

Ralph C. Hontoon

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 19 45

R

(Decision No. 24942)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. D. SMITH DRUG COMPANY, OF) PERMIT NO. C-4453
GRAND JUNCTION, COLORADO.)
)
)

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the C. D. Smith Drug Company of Grand Junction, Colorado, requesting that his Permit No. C-4453 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4453, heretofore issued to the C. D. Smith Drug Company, be, and the same is hereby, declared cancelled effective August 30, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 1945

R

(Decision No. 24943)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. E. FLETCHER, OF HUGO, COLORADO.) PERMIT NO. C-1029
)

September 11, 1945.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. E. Fletcher of Hugo, Colorado, requesting that his Permit No. C-1029 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1029, heretofore issued to L. E. Fletcher, be, and the same is hereby, declared cancelled effective August 30, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 1945.

R

(Decision No. 24944)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. B. AUPPERLE, OF 502 GRAND)
STREET, GRAND JUNCTION, COLORADO.) PERMIT NO. C-14093
)
)

Sept. 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. B. Aupperle of Grand Junction, Colorado, requesting that his Permit No. C-14093 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14093, heretofore issued to C. B. Aupperle, be, and the same is hereby, declared cancelled effective August 27, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 19 45

R

(Decision No. 24945)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF FERNANDO MONTOYA, OF LA PLATA, NEW MEXICO.

PERMIT NO. C-15945

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fernando Montoya of La Plata, New Mexico, requesting that his Permit No. C-15945 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15945, heretofore issued to Fernando Montoya, be, and the same is hereby, declared cancelled effective August 25, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 1945

R

(Decision No. 24946)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF FRANK IKEDA, OF ROUTE 1, BOX 10, KEENESBURG, COLORADO.

PERMIT NO. C-14596

September 11, 1945.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Ikeda of Keenesburg, Colorado, requesting that his Permit No. C-14596 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14596, heretofore issued to Frank Ikeda, be, and the same is hereby, declared cancelled effective August 16, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 1945

R

(Decision No. 24947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF CLOYD CHENEY, 639 GALAPAGO STREET, DENVER, 4, COLORADO.

PERMIT NO. C-1467

September 11, 1945.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Cloyd Cheney of Denver, 4, Colorado, requesting that his Permit No. C-1467 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1467, heretofore issued to Cloyd Cheney, be, and the same is hereby, declared cancelled effective August 19, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 1945

R

(Decision No. 24948)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF I. P. BECKETT, OF 301 BARCLAY, CRAIG, COLORADO.

PERMIT NO. C-2597

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from I. P. Beckett of Craig, Colorado, requesting that his Permit No. C-2597 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2597, heretofore issued to I. P. Beckett, be, and the same is hereby, declared cancelled effective August 22, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 19 45

R

(Decision No. 24949)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. H. BEATTY, OF RED CLIFF,)
COLORADO.) PERMIT NO. C-4099
)
)
)

September 11, 1945.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. H. Beatty of Red Cliff, Colorado, requesting that his Permit No. C-4099 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4099, heretofore issued to H. H. Beatty, be, and the same is hereby, declared cancelled effective July 27, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 19 45

R

(Decision No. 24950)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF C. E. MELLON, OF 506 ELATI STREET, DENVER, 4, COLORADO.

PERMIT NO. C-10452

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. E. Mellon of Denver, Colorado, requesting that his Permit No. C-10452 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10452, heretofore issued to C. E. Mellon, be, and the same is hereby, declared cancelled effective August 29, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,

this 11th day of September, 19 45

R

(Decision No. 24951)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALVIN SEGEBARTT, OF ROUTE 1,)
ARGONIA, KANSAS.) PERMIT NO. C-14063
)
)
)

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Alvin Segebartt of Argonia, Kansas, requesting that his Permit No. C-14063 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14063, heretofore issued to Alvin Segebartt, be, and the same is hereby, declared cancelled effective August 12, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

R D Thomas
Miriam Epion
Ralph L. Horton
Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1945

R

(Decision No. 24952)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF SOREN SEIERSEN, OF ELK MOUNTAIN, WYOMING.

PERMIT NO. C-14275

September 11, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Soren Seiersen of Elk Mountain, Wyoming, requesting that his Permit No. C-14275 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14275, heretofore issued to Soren Seiersen, be, and the same is hereby, declared cancelled effective August 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 19 45

R

(Decision No. 24953)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. E. ZIMMERMAN, ROUTE 1, BOX 208,)
LITTLETON, COLORADO, FOR A CLASS "B") APPLICATION NO. 7055-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

September 15, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, during harvest season, only, from farms to market and storage points within a radius of fifty miles of said farms in Eastern Colorado; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver and to Littleton, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That L. E. Zimmerman, Littleton, Colorado, be, and he hereby

is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, during harvest season, only, from farms in Eastern Colorado to market and storage points within a radius of fifty miles of said farms; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver and to Littleton, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1945.

mw

(Decision No. 24954)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLARD ANSEL, 5807 NORTH FEDERAL BOULEVARD, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7056-PP

September 15, 1945

STATEMENT

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, during harvest season, only, from farms to market or storage points in Eastern Colorado within a radius of fifty miles of said farms; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

FINDINGS

THE COMMISSION FINDS:

That the authority sought should be granted.

ORDER

THE COMMISSION ORDERS:

That Willard Ansel, Denver, Colorado, be, and he hereby is,

authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, during harvest season, only, from farms in Eastern Colorado to market or storage points within a radius of fifty miles of said farms; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1945.

mw

(Decision No. 24955)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EUGENE C. NEWKIRK, 1849 GROVE STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7057-PP

September 15, 1945.

STATEMENT

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

FINDINGS

THE COMMISSION FINDS:

That the authority sought should be granted.

ORDER

THE COMMISSION ORDERS:

That Eugene C. Newkirk, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1945.

mw

(Decision No. 24956)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD E. SNOW, 4476 YATES STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 7058-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

September 15, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado within a radius of fifty miles of Denver, to jobs within said fifty-mile radius of Denver, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Floyd E. Snow, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making

up the surface of the roads, from pits and supply points in the State of Colorado within a radius of fifty miles of Denver, to jobs within said fifty-mile radius of Denver, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1945.

mw

(Decision No. 24957)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL HATFIELD, CORTEZ, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 7059-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

September 15, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from Shiprock, New Mexico to Jackson Gulch Dam, north of Mancos, Colorado, via U. S. Highway No. 666 -- north to Cortez, Colorado, via U. S. Highway No. 160, east to Mancos, north on county road to dam.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted, interstate authority to bear the same number as intrastate authority, followed by the letter "I".

O R D E R

THE COMMISSION ORDERS:

That Earl Hatfield, Cortez, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from Shiprock, New Mexico to Jackson Gulch Dam, north of Mancos, Colorado, via U. S. High-

way No. 666 -- north to Cortez, Colorado, via U. S. Highway No. 160, east to Mancos, north on county road to dam.

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

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

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

Interstate authority shall bear the same number as intrastate authority, followed by the letter "I".

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1945.

mw

(Decision No. 24958)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VICTOR CHARBONEAU, 3500 DOWNING STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7060-PP

September 15, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Victor Charboneau, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1945.

mw

(Decision No. 24959)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR BAUER, 3524 BRIGHTON BOULE-)
VARD, DENVER, COLORADO, FOR A CLASS) APPLICATION NO. 7061-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

September 15, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Arthur Bauer, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the

State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1945.

mw

(Decision No. 24960)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MASON K. WILBUR, 4645 QUITMAN STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 7062-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

September 15, 1945

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought sound be granted.

O R D E R

THE COMMISSION ORDERS:

That Mason K. Wilbur, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the

State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1945.

mw

(Decision No. 24961)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF GEORGE HERMANSON, 408 SOUTH LINCOLN STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 7067-PP

Sept. 17, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That George Hermanson, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for

hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1945.

BH

(Decision No. 24962)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF JOE L. BOGGS, 122 EIGHTH AVENUE, LONGMONT, COLORADO, FOR AUTHORITY TO EXTEND HIS OPERATIONS UNDER PERMIT NO. B-2538.

APPLICATION NO. 6880-PP-B

Sept. 17, 1945.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend his operations under Permit No. B-2538 to include the right to transport grain, during the harvest season, only, from farms to market and storage points in eastern Colorado, within a radius of fifty miles of said farms.

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

FINDINGS.

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Joe L. Boggs, Longmont, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-2538 to include the right to transport grain, during the harvest season, only, from farms to market and storage points in Eastern Colorado, within a radius of fifty miles of said farms

This order is made part of the permit granted to applicant, and

shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1945.

BH

(Decision No. 24963)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF C. O. BELL AND J. WAGNON, COPARTNERS, DOING BUSINESS AS "BELL TRANSFER AND STORAGE," 416 East, LAWTON, OKLAHOMA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO C. O. BELL, DOING BUSINESS AS "BELL TRANSFER AND STORAGE," 416 East, Lawton, Oklahoma.	)	P.U.C. NO. 1542-I

September 17, 1945.

S T A T E M E N T

By the Commission:

Heretofore, C. O. Bell and J. Wagnon, copartners, doing business as "Bell Tranfer & Storage," Lawton, Oklahoma, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as oommon carriers by motor vehicle for hire, in interstate commerce, and PUC No. 1542-I issued to them.

Said certificate-holders now seek authority to transfer said certificate to C. O. Bell, doing business as "Bell Transfer & Storage," Lawton, Oklahoma.

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

Findings.

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That C. O. Bell and J. Wagnon, co-partners, doing business as "Bell Transfer & Storage," Lawton, Oklahoma, should be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 1542-I to

C. O. Bell, doing business as "Bell Transfer & Storage," Lawton, Oklahoma, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1945.

BH

(Decision No. 24964)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF)
J. R. MARKS, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER) PUC NO. 421
PUC NO. 421, BY LEASE, TO T. A.) APPLICATION NO. 1423-AA-BAA
ROYSTON, 913 SOUTH SAHWATCH STREET,)
COLORADO SPRINGS, COLORADO.)

Sept. 17, 1945.

S T A T E M E N T

By the Commission:

Heretofore, J. R. Marks, 111½ South Cascade, Colorado Springs, Colorado, was authorized to operate as a common carrier by motor vehicle for hire for the conduct of a:

> Transfer, moving, and general cartage business in the County of El Paso and other points in the State of Colorado, with the provisos, among other things, that he should not operate on schedule between any points, and should not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any town or city other than Colorado Springs for the purpose of developing business, and for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, he should charge rates which should be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

Said J. R. Marks now seeks authority to lease said operating rights to T. A. Royston, Colorado Springs, Colorado.

It appears that transferor has agreed to lease his operating rights under said certificate to T. A. Royston for a period of one year from August 20, 1945; that said Royston is to pay the sum of Twenty-fuve Dollars ($25.00) per month as rental therefor, and further agrees to make all necessary road tax reports to the Commission, to carry proper insurance, to pay all road

tax that may become due under the operation, to charge the rates for transportation of freight prescribed by the Commission, and otherwise to comply with the rules and regulations of the Commission; that he will file the necessary equipment slips and insurance and will deposit the atatutory amount with the Commission to insure payment of ton-mile tax.

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

F I N D I N G S

THE COMMISSION FINDS:

That the lease of said operating rights (PUC No. 421) by J. R. Marks to T. A. Royston upon the terms and for the term aforesaid, should be approved.

O R D E R

THE COMMISSION ORDERS:

That the lease of PUC No. 421 by J. R. Marks Truck Line, as described in the Statement preceding, which by reference is made a part hereof, to T. A. Royston, be, and the same hereby is, approved.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of September, 1945.

BH

(Decision No. 24965)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF)
ROBERT L. JONES, LAIRD, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 6962-PP
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

Sept. 18, 1945.

Appearances: Chutkow and Atler, Esqs., Denver, Colorado, and Louis J. Freehof, Esq., Denver, Colorado, for applicant; Marion F. Jones, Esq., Denver, Colorado, for Paul Hickman, Martin Stutheit, Roy Thompson & Morris Jones, and Clyde Wilson.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal, livestock, feed, grain, crops, lumber and building materials, and farm machinery and farm supplies, from and to all points in an area in Yuma County described as follows: Bounded on the east by the Colorado-Kansas-Nebraska state line, on the north by the north boundary line of Township 5-North, on the west by the range line between ranges 45 and 46-W, on the south by the center of Township 4 South, using all State, Federal and County Highways.

Applicant, testifying in his own behalf, stated that he had lived in this territory for the past 23 years and was engaged in farming and raising livestock; that it was not his intention to devote his entire time to the trucking business, but to conduct his trucking operation in conjunction with his farming and livestock business; that he desired authority to serve his neighbors by hauling livestock, grain and farm machinery to and from farms; that he presently owns three trucks and has a net worth of $111,500.00; that he has

had many requests to haul livestock and grain, and has filed his list of customers with the Commission; that in the past he has hauled for his neighbors - some paid him for hauling, while others he has hauled for traded work for hauling for which he made no charge; that he has made only one haul for hire since he filed his application; that this particular haul was for a man who could not get any other carrier and it was imperative that his livestock be moved; that he has had many other requests for service, but has refused to haul because he had no authority. He further stated that there is a shortage of trucks in his area during the harvest season, and additional trucks are needed from the middle of June to the first of the year, but that there is adequate service in his territory from January 1 to June 15. He summarized his statement by saying that he thought his proposed service was needed, due to the numerous requests made of him for service.

Fred T. Peterson, who lives 7 miles south of Laird, appeared for applicant and stated he felt there was a need for applicant's service; that he personally desired to use applicant's service because he was a neighbor and easy to get in touch with; that he needed truck service for approximately 75 head of cattle a year and the most of his service was to and from a salesyard in Wray, Colorado, where he shipped a few head of livestock at a time; that he had used other truckers in the past who were satisfactory if you could get hold of them, and had also used Jones, who had made no charge for hauling. Witness stated that he did not think the efficiency of common carrier service would be impaired if Jones' application were granted, but had no direct knowledge on the subject.

Cecil C. Coad, a farmer and stockraiser who lives 15 miles south of Wray, stated he shipped about 3 truckloads of livestock a year and had experienced some delay in the past, but had always been able to get them hauled.

Arthur Quiggle, farmer and stockman who lives 8 miles south of Wray, ships about 50 hogs a year and approximately 25 head of cattle. He also is manager of a livestock auction at Wray and handles 2500 head of cattle

and hogs and paid $4,000 for trucking in 1944. He stated that service of other carriers was good when available; that he had been forced to hold stock overnight and he felt the county needed more carriers, due to larger crops and more livestock.

Ernest M. Riley, a farmer who lives 5½ miles north of Hale, testified that he is farming a large acreage and owns 200 head of cattle; that he needs trucks for hauling livestock and grain; that in the past he has had to wait for trucks 6 or 7 weeks. He further stated that he thought there was more livestock in the territory than he had ever seen before in his life; that Jones had hauled for him; that he traded carpenter work for hauling. On cross-examination, he stated he had no contract with Jones for payment. He further stated that the trouble with trucking in his area was that everyone wanted hauling at the same time.

Witness on behalf of protestant Martin Stutheit, who operates under PUC No. 1150 and whose territory is substantially the same as that applied for by applicant, stated that he had two pieces of equipment - one new International with 26-foot rack and one 1941 Ford with 13-foot rack; that he had been able to handle the business when the roads were passable and that most of the delays complained of were occasioned by bad roads; that during the past, he had hauled for most of applicant's customers and that if he had been crowded, had called upon other carriers to assist him; that it has been the practice of the carriers in this area to cooperate, and that there were some 17 authorized common and private carriers serving this territory. He felt that the authorization of any additional carrier service would hurt; that he was forced to keep trucks on hand and to pay drivers whether they worked or not so that he would be in a position to give efficient service.

Morris Jones, of Wray, Colorado, testified that he had a truck and a pickup and Thompson had two trucks and a pickup; that they both were common carriers serving part of the territory covered by applicant's application; that applicant had taken over some of his business by handling two or three hundred head of stock a year. He further stated that applicant had a threshing outfit

and threshed for a large number of farmers in the area, and if he were successful in his application, would take considerable business from present authorized carriers who then would not be in position to maintain their present service.

Several contract carriers, namely, Clyde Wisdom and Oscar R. Smith of Wray, and F. N. Odell of Laird, testified as to present service in this territory. They all stated that service was adequate in their opinion, and the granting of any additional authority would work a hardship on present carriers.

From the evidence submitted, the Commission finds that two common carriers are protesting the granting of this application; that the two carriers have four trucks and two pickups; that equipment used to take care of the major portion of the needs of the area is owned and operated by contract or private carriers. Under the law, private carriers are under no obligation to serve all patrons who ask for their service. In the instant application, applicant filed for private or contract carrier authority, and, in our opinion, has not sustained the burden of showing that his application should be granted. Applicant and his witnesses all reside in territory approximately bounded by U. S. 34 on north, the state line on the east, U. S. 36 on the south, and Colo. 51 on the west. It is true that during the emergency period, service has not been maintained as efficiently as might be desired. This has been brought about by governmental restrictions on tires, gasoline, equipment, etc. The Commission fails to see where the granting of additional authority in this area would better or improve the situation. On the other hand, if additional authority is granted, it definitely would tend to curtail and thus impair the efficiency of the common carrier service. These carriers are compelled to serve all who desire their service at all times, which necessitates keeping equipment on hand and having drivers available at all times for those who desire service. Moreover, the war is over and now authorized carriers woon will be able to get new trucks, tires, parts and drivers. O. D. T. regulations which restricted service, have been cancelled.

Therefore, after considering all the evidence given at the hearing, it is our opinion, and the Commission finds that the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1945.

BH

(Decision No. 24966)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*****

IN THE MATTER OF THE APPLICATION OF)
ALONZO BARTON, DOING BUSINESS AS) APPLICATION NO. 6479-PP-B
"BARTON GROCERY," ROMEO, COLORADO,)
FOR AN EXTENSION OF PERMIT NO. B-3065.)

Sept. 18, 1945.

Appearances: J. E. Pound, Esq., Alamosa, Colorado, for applicant;
Conour and Conour, Del Norte, Colorado, for Vance Transfer, Fred Gibson, J. D. Haynie, and Ashton Truck Line.

S T A T E M E N T

By the Commission:

On April 6, 1945, by Decision No. 24384, the Commission granted the application of Alonzo Barton, doing business as Barton Grocery, Romeo, Colorado, for an extension of Permit No. B-3065. Thereafter, on April 28, 1945, a petition for rehearing and reconsideration of said decision was filed by Richard E. Conour and Elizabeth A. Conour, attorneys for protestants.

The Commission has carefully reconsidered and reviewed the record herein, the testimony offered at the hearing and said decision and each and every alleged assignment of error contained in said petition for rehearing.

Applicant Barton was granted his original permit on November 5, 1943, to haul livestock to Denver. Since the granting of the original permit, a market for livestock has opened in Pueblo, Colorado, approximately half the distance to Denver, and he now desires to serve that point for his customers. We cannot see from the evidence submitted where the efficiency of the service of the protestant common carriers would be impaired, and Barton's customers testified that they need the Barton service, especially the service to Pueblo, during the marketing season when other carrier service is not available. Barton has taken care of their hauling in the past, and they desire and need his service in the future.

The Commission is of the opinion, and finds, that no error was committed in granting said application for extension of Permit B-3065; that no useful purpose would be served by granting a rehearing herein, and that said petition for rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That the petition for rehearing filed in the above-styled matter be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of September, 1945.

BH

(Decision No. 24967)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES ON PEACHES FROM CORTEZ, COLORADO, TO DENVER, COLORADO SPRINGS, PUEBLO, AND WALSENBURG, COLORADO.

CASE NO. 1585

September 17, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a petition from The Rio Grande Motor Way, Inc., by A. J. Tait, its Freight Traffic Manager, requesting authority to establish a rate of 57 cents per 100 pounds on Peaches, in packages, minimum weight 24,000 pounds, from Cortez, Colorado, to Denver, Colorado Springs, Pueblo, and Walsenburg, Colorado.

The petition states that there is an extremely heavy crop of peaches this year, now ready to move, and which should be done as quickly as possible. The rate proposed will assist the producers materially in moving their crops to market immediately.

The present rates in cents per 100 pounds are as follows: To Denver and Colorado Springs, 77; Pueblo, 69, and Walsenburg, 68, minimum weight 10,000 pounds.

The highway distances are as follows:

Denver, 404 miles, Colorado Springs, 369 miles, Pueblo, 325 miles, and Walsenburg, 274 miles, and the truck-mile earnings under the proposed rate and minimum weight would be 33.86 cents, 37.07 cents, 42.09 cents, and 49.92 cents to Denver, Colorado Springs, Pueblo, and Walsenburg, respectively.

The annual report of the Rio Grande Motor Way, Inc., for the year 1944 shows that the average revenue per truck mile was 31.5 cents, and the average cost per truck mile was 27.87 cents for an average haul per

revenue ton of 157.7 miles.

Findings

The Commission finds that a rate of 57 cents per 100 pounds on peaches in packages, minimum weight 24,000 pounds from Cortez, Colorado, to Denver, Colorado Springs, Pueblo, and Walsenburg, Colorado, minimum weight 24,000 pounds, is and for the future will be, a just, fair, reasonable and sufficient maximum and minimum rate and minimum weight for motor vehicle common carriers operating on a scheduled operation, and a minimum rate and weight for Class "A" private carriers.

O R D E R

IT IS ORDERED, That this order shall become effective forthwith; that a rate of 57 cents per 100 pounds on Peaches, in packages, minimum weight 24,000 pounds, from Cortez, Colorado, to Denver, Colorado Springs, Pueblo, and Walsenburg, Colorado, shall be published to become effective September 21, 1945, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act; that on and after September 21, 1945, the Rio Grande Motor Way, Inc., shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates herein prescribed; that on and after September 21, 1945, Class "A" private carriers by motor vehicle, to the extent they are affected, shall cease and desist from demanding, charging, and collecting rates and charges which shall be less than the rate herein prescribed; that this order shall not be construed so as to compel a private carrier by motor vehicle to be, or become, a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier; that the order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force until the further order of the Commission; that

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of September, 1945

JH

(Decision No. 24968)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION AND SUSPENSION OF TARIFFS OF THE TRENTMAN-MILNER COMPANY, DOING BUSINESS AS BEL-ADAMS WATER SYSTEM.	INVESTIGATION AND SUSPENSION DOCKET NO. 256

September 18, 1945

S T A T E M E N T

By the Commission:

Heretofore, this Commission has issued its Decisions Nos. 22336, 22688, 24065, and 24522, whereby certain tariffs filed by the Trentman-Milner Company, doing business as Bel-Adams Water System, were suspended to September 19, 1945.

It now appearing that the investigation to be made by this Commission's employees has not been completed; that a hearing upon the complaints filed in the above entitled proceedings cannot be held prior to September 19, 1945, and that request has been made of this Commission that the effective date of said tariffs be further suspended for an additional period of 120 days from September 19, 1945, the Commission finds that said tariffs should be suspended for the said additional period.

O R D E R

IT IS ORDERED:

That the effective date for the aforesaid tariffs so filed by the Trentman-Milner Company, doing business as Bel-Adams Water System, be suspended for an additional one hundred twenty (120) days from September 19, 1945, to January 17, 1946, unless otherwise ordered by this Commission.

That the proposed tariffs be made a subject of investigation and determination by the Commission within said period of suspension or such further time as the same may lawfully be suspended.

That a hearing thereon shall be held by the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 o'clock a. m., on Wednesday, October 24, 1945, at which time any interested party may introduce such evidence relating to the lawfulness, justness, and reasonableness of said tariffs and charges as may be deemed necessary and proper.

That a copy of this order shall be filed with the proposed tariffs of the Trentman-Milner Company, doing business as Bel-Adams Water System, and copies hereof be forthwith served on DeStelle DeLappe, E. & C. Building, Denver, Colorado, for the complainants; Ina B. Lindsey, 385 S. Meade Street, Denver, Colorado, Trustee or Agent for the complainants or protestants; H. C. Rose, 3600 Alameda Parkway, Denver, Colorado; W. E. Mead, 710 South Lowell Boulevard, Denver, Colorado; William Jenkins, 3909 West Nevada Street, Denver, Colorado; Julia Agnew, 379 South Osceola Street, Denver, Colorado, for protestants; A. Milner, owner and manager of the Bel-Adams Water System, 1735 Stout Street, Denver, Colorado; and P. S. Morris, State Price Attorney, O. P. A., Kittredge Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/s/ D. Thomson

/s/ Mabel Wiss

/s/ Ralph C. Talbot

Commissioners

DATED at Denver, Colorado,
this 18th day of September,
1945.

(Decision No. 24989)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION AND SUSPENSION OF TARIFFS OF THE TRENTMAN-MILNER COMPANY, DOING BUSINESS AS NORTH FEDERAL WATER SYSTEM.	INVESTIGATION AND SUSPENSION DOCKET NO. 257

September 18, 1945

S T A T E M E N T

By the Commission:

Heretofore, this Commission has issued its Decisions Nos. 22237, 22689, 24066, and 24528, in the above entitled proceedings whereby certain tariffs filed by the Trentman-Milner Company, doing business as North Federal Water System, were suspended to September 19, 1945.

It now appearing that the investigation to be made by this Commission's employees has not been completed within the period; that a hearing upon the complaints filed in the above entitled proceedings cannot be held prior to September 19, 1945; and that request has been made of this Commission that the effective date of said tariffs be further suspended for an additional period of 120 days from September 19, 1945, the Commission finds that said tariffs should be suspended for the said additional period.

O R D E R

IT IS ORDERED:

That the effective date for the aforesaid tariffs so filed by the Trentman-Milner Company, doing business as North Federal Water System, be suspended for an additional period from September 19, 1945, to January 17, 1946, unless otherwise ordered by this Commission.

That the proposed tariffs be made a subject of investigation and determination by the Commission within said period of suspension or until such further time as the same may lawfully be suspended.

That a hearing thereon shall be held by the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 o'clock a. m., on Wednesday, October 24, 1945, at which time any interested party may introduce such evidence relating to the lawfulness, justness, and reasonableness of said tariffs and charges as may be deemed necessary and proper.

That a copy of this order be filed with the proposed tariffs of the Trentman-Milner Company, doing business as North Federal Water System and copies hereof be forthwith served on A. Milner, owner and manager of the North Federal Water System, 1735 Stout Street, Denver, Colorado; John H. Gabriel and Clifford W. Mills, attorneys for the complainants, C. A. Johnson Building, Denver, Colorado; Elgie E. Fenimore, 6604 North Federal Boulevard, Denver, Colorado, for protestants, and P. S. Morris, State Price Attorney, O.P.A., Kittredge Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 18th day of September,
1945.

Commissioners.

(Decision No. 24970)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SOUTHERN COLORADO POWER COMPANY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC.	APPLICATION NO. 5992-A
IN THE MATTER OF THE APPLICATION OF DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING MOTOR BUS SERVICE BETWEEN PUEBLO, COLORADO, AND THE PUEBLO ORDNANCE DEPOT.	APPLICATION NO. 5922-ABB

SUPPLEMENTAL ORDER

September 18, 1945

S T A T E M E N T

By the Commission:

By Decision No. 19024, in Application No. 5922, the Commission authorized Southern Colorado Power Company, a corporation, to operate a motor bus service as a common carrier:

> between Pueblo, Colorado, and the Pueblo Air Base, located near Baxter, about seven miles east of Pueblo, on State Highway No. 96.

Pursuant to authority contained in Decision No. 19414, said operating right was transferred by Southern Colorado Power Company to Denver-Colorado Springs-Pueblo Motor Way, Inc.

By Decision No. 19414, the authority of Denver-Colorado Springs-Pueblo Motor Way, Inc. was extended to include the right to transport:

> passengers, on schedule, as a common carrier by motor vehicle between Pueblo, Colorado, and Pueblo Ordnance Depot, located approximately fifteen miles east of the City of Pueblo, on State Highway No. 96.

By letter dated September 7, 1945, said Denver Colorado-Springs Pueblo Motor Way, Inc. has informed the Commission that government operations at the Ordnance Depot have decreased to a point where bus service is not now required; that the Army Service Forces of the Seventh Transportation Zone have elected to substitute direct government operation of bus service, and have consented to discontinuance of the service which Denver-Colorado Springs-Pueblo Motor Way was authorized to perform between Pueblo and the Ordnance Depot by extension granted by Decision No. 19414, letter addressed to Mr. Charlesworth, Manager of Denver-Colorado Springs-Pueblo Motor Way, of date September 6, 1945, from Army Service Forces, confirming said decision and consent, being attached to letter referred to from Denver-Colorado Springs-Pueblo Motor Way to the Commission.

Denver-Colorado Springs-Pueblo Motor Way, Inc. asks that it be authorized to discontinue service between Pueblo and the Pueblo Ordnance Depot.

It appears that transportation service between Pueblo and Pueblo Ordnance Depot has been limited to the transportation of Army personnel, military and civilian employees at the Ordnance Depot, and such other people as may be moving to and from the Depot on official business; that said service hereafter is to be performed directly by the government; that public convenience and necessity do not require the continuance of petitioner's service, and that business available is insufficient to sustain the operation; that no useful purpose would be served by setting the matter for formal hearing.

Findings

The Commission Finds:

That the extended authority granted by Decision No. 19414 to Denver-Colorado Springs-Pueblo Motor Way, Inc., to operate a common carrier motor vehicle service for the transportation of:

passengers on schedule between Pueblo, Colorado, and Pueblo Ordnance Depot, located approximately fifteen miles east of the City of Pueblo, on State Highway No. 96,

be revoked and cancelled, effective as of the day and date hereof, said cancellation to be without prejudice to the right of Denver-Colorado Springs-Pueblo Motor Way, Inc. to continue its operations between Pueblo and the Pueblo Air Base, located near Baxter, about seven miles east of Pueblo, on State Highway No. 96, which were authorized by Decisions Nos. 19024 and 19414.

O R D E R

THE COMMISSION ORDERS:

That the extended authority granted by Decision No. 19414 to Denver-Colorado Springs-Pueblo Motor Way, Inc. to operate a common carrier motor vehicle service for the transportation of:

passengers on schedule between Pueblo, Colorado, and Pueblo Ordnance Depot, located approximately fifteen miles east of the City of Pueblo, on State Highway No. 96,

be, and the same hereby is, cancelled, effective as of the day and date hereof, said cancellation to be without prejudice to the right of Denver-Colorado Springs-Pueblo Motor Way, Inc. to continue its operations between Pueblo and the Pueblo Air Base, located near Baxter, about seven miles east of Pueblo, on State Highway No. 96, which were authorized by Decisions Nos. 19024 and 19414.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 18th day of September, 1945

JH

(Decision No. 24971)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. H. MC CORKLE, KARVAL, COLORADO,) APPLICATION NO. 7004
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

September 21, 1945

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
Henry W. Gibson, Esq., 310 Mining Exchange Building, Colorado Springs, Colorado, for Clarence L. Middleton;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire for the transportation of farm produce (including livestock), farm equipment and supplies, including household goods, and all commodities necessary to render a complete farm service, on call and demand, over irregular routes, between points within the area extending thirty miles north, east and west, and twenty miles south of Karval, Colorado, and from and to points in said area, to and from points within a radius of one hundred and fifty miles of Karval.

The matter was heard at Colorado Springs, Colorado, on August 14, 1945, and taken under advisement.

Applicant, testifying in his own behalf, stated that he is the owner of Private Permit No. A-682, and has operated under same since 1937; that said permit, in terms, authorizes the transportation of freight between Karval and Denver, via Colorado 109-71, and U. S. 40, and intermediate points, or Colorado 109-94 and U. S. 85 and intermediate points; between Karval and Pueblo and intermediate points, via U. S. 50 and Colorado 96,

and between Karval and Colorado-Kansas State Line and intermediate points, via U. S. 40-N, or U. S. 50; that under his permit he has been furnishing a general farm service in the area heretofore mentioned around Karval for many years. It had been brought to his attention that his permit may not lawfully authorize said service, and he desires to have proper authority to serve this area; that he has not served between points on U. S. 85 in the past; that he does not desire to serve intermediate points, and that his destination will be farms within his area; that he wants Karval and Karval area to Denver, and return; that he has given this service in the past, and personally feels there is adequate business to warrant his application and that he will not harm the other authorized carriers; that he would like to retain right under permit to serve Ordway to Pueblo, and Pueblo to Denver, although he never has furnished such service in the past; that he now owns two trucks, a 1940 Chevrolet with 13-foot bed, and a 1942 Chevrolet tractor with a 28-foot Hoobs semi-trailer, and has a net worth of $6,200.00. He further stated that if this certificate is granted, he is willing to have cancelled such operations under Permit No. A-682 as may overlap or conflict with the authority under said certificate.

Ralph N. Taylor, a farmer and stockman who lives two miles from Karval and has lived in this territory for the past twenty-two years, stated that he has a ranch some thirty miles from the railroad, and it is necessary for him and his neighbors to use trucks; that he uses trucks to railroad shipping points and to Denver, with occasional loads to Pueblo and Colorado Springs; that he ships principally livestock and grain out, and concentrated feed -- that is, cake and salt -- in, with occasional shipments of hay when feed has been short in the area. He further stated that the truckers in his area were all operating to capacity for three months of the year, and were kept reasonably busy for six more months; that during their peak season, it was difficult to get trucks; that he had used the service of applicant in the past and found his service satisfactory; that he personally felt his service was needed in the area and that he should be given authority to serve their needs; that he did not feel the shortage of tfucks was due to the war or was influenced by the war.

A. E. Parker, a farmer and stockman who lives two miles west and seven miles south of Karval, stated that there were two truckers who served his area, that is, Middleton and applicant; that they had both served for years, and their service was needed; that he had used them both and they were good operators; that it had taken both operators to serve their needs in the past; that their service was needed now, and would be in the future.

W. A. Bremmer, a Sugar City farmer and stockman, said he endorsed the statements of Witness Taylor, and stated that both Middleton and applicant were busy, and he felt applicant's service was needed.

The testimony of Mr. Holson, who lives twelve miles south of Karval, and Mr. D. O. Clary, of Sugar City, both stockmen and farmers, corroborated the testimony of Witness Taylor as to the need for applicant's service.

Clarence L. Middleton, operating under PUC No. 877 and whose territory is substantially the same as that covered by the instant application, stated he operated three trucks, with one idle part of the time; that there were approximately two hundred farmers in the area, and he personally felt there was no need for additional authority.

On cross-examination, he stated he did not want applicant put out of business; that service of applicant as furnished in past has been needed and in the future will be needed in the community.

The Commission is of the opinion that applicant's service, as proposed, is needed. Technically, applicant's past operations may have been beyond his authority, but apparently neither he, Middleton, nor enforcement officers were cognizant of that fact. We cannot see where the granting of this certificate would impair the services or operations of any common carrier, and from the evidence submitted, it clearly appears that applicant's service is needed by the farmers and stockmen of that area. According to applicant's testimony, he has not furnished any service between towns in competition with line-haul carriers, which service was authorized by the terms of his permit. If he seeks to have his authority, in terms, charged to legalize the continued performance of the service he has been furnishing in

the past, it does not seem consistent or anything but "unfair" to ask that he be allowed to retain the right to institute a type of service -- namely line-haul service -- between points he has not served under his permit. At least we believe that such a holding on our part would not be consistent with any theory of fair play.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that said application, as limited, should be granted; that said Permit No. A-682 should be cancelled, effective as of the day and date cab cards issue covering operation herein authorized.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require the proposed motor vehicle operations of J. H. McCorkle, of Karval, Colorado, for the transportation, on call and demand, over irregular routes, of farm produce, including livestock, farm equipment and supplies, including household goods, between points within an area extending thirty miles north, east and west, and twenty miles south, of Karval, Colorado, and from and to points in said area, to and from points within a 150-mile radius of Karval, Colorado, and this order, subject to provision following, cancelling Permit No. A-682, shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Permit No. A-682 be, and the same hereby is, cancelled and revoked, effective as of the day and date of issuance of "Cab Cards" for common carrier service herein authorized.

Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission with 20 days.

Applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1945.

mw

(Decision No. 24972)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALPHEUS A. SANDERS, ADENA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6996-PP

September 21, 1945

Appearances: Mandel Levy, Esq., University Building, Denver, Colorado, for applicant;
Marion F. Jones, Esq., Denver, Colorado, for David Small, Denver-Byers Truck Line, Ronald F. Rogers.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, including livestock, building materials, and farm supplies, between points within a radius of twenty miles of Adena, Colorado, and from and to points in said area, to and from Byers, Strasburg, Bennett, and Fort Morgan, Colorado, and coal from points in the northern Colorado coal fields to points in said area.

The matter was heard in Denver, Colorado, on August 6, 1945, and taken under advisement.

Applicant stated that he is the owner of a one and one-half-ton Chevrolet Truck; that he has lived in the territory surrounding Adena all of his life, and particularly desires to haul farm produce, farm supplies, and coal.

Upon examination, he stated he was willing that his territory be confined to a ten-mile radius to the north; that he has had a number of calls for service, and felt a local carrier service is needed, especially due to poor roads in the neighborhood during the winter months.

Also, in his letter under date of July 16, 1945, he asked that authority to haul livestock be eliminated from his application.

L. H. Andre, of Adena, testified that there was a special need for service during the harvest season for transportation of beans, grain and barley; that during the harvest season, all trucks were kept busy and they needed a local trucker in their area.

The application was protested by David Small, Denver-Byers Truck Line and Ronald F. Rogers, and evidence was introduced as to the service they were giving, their equipment, etc., contending that this service was not needed.

It appears to the Commission, from the records and files, that a local service is needed around Adena. Crops in that area are the largest in years, and as Witness Andre pointed out, local trucks had to move a large portion of the crop. The Commission also finds that the Denver-Byers Truck Line serves only a small portion of the area asked for by applicant, and Ronald Rogers is in a similar position, while the only authority for David Small is a leased authority, which the records of the Commission show has lapsed. Nevertheless, assuming that protestants had authority to serve the entire area asked for by applicant, their headquarters or operating points are a considerable distance from Adena, and we are forced to the conclusion that the customers of applicant in this area are entitled to a local service and also to a carrier authorized to handle farm produce, farm supplies, building material, and coal.

After careful consideration of the record, the Commission is of the opinion, and finds, that limited authority should be granted to applicant.

O R D E R

THE COMMISSION ORDERS:

That Alpheus A. Sanders, of Adena, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce generally (except livestock), farm supplies, and building materials, to farm destinations, only, within the area extending ten miles north, twenty miles east, twenty

miles west and ten miles south of Adena, Colorado, and from and to points in said area to Byers, Strasburg, Bennett, Denver, and Fort Morgan, also coal from northern Colorado coal mines to points in said area.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1945.

mw

(Decision No. 24973)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE OF CHARGE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM YAMPA, COLORADO, TO THE UNITED WAR FUND, IN CARE OF WALTER HOPKINS, DENVER, COLORADO.	)	MISCELLANEOUS DOCKET NO. 210

September 19, 1945

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated September 17, 1945, requesting authority to transport one carload of spinach from Yampa, Colorado, to Denver, Colorado, free of charge, on account of the moneys to be received from the sale of the spinach to be distributed to various War Relief Funds.

The shipment in question has been donated to the United War Fund, and the money derived from the sale of same is to be used for charity.

Section 17, paragraph (c) of The Public Utilities Act provides that the Commission may, by rule or order, authorize carriers to depart from their published tariff rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

O R D E R

IT IS ORDERED:

That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of spinach from Yampa, Colorado, to Denver, Colorado, consigned to the United War Fund, in care of Walter Hopkins, Denver, Colorado.

That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1945

H

FORM 1801

Misc. Docket No. 210 Dec. No. 24973 9/19

THE DENVER AND SALT LAKE RAILWAY CO.

822 DENVER NATIONAL BUILDING
ZONE 2
DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

F. H. BOOTH
ASST. TO TRAFFIC MANAGER

6

September 17, 1945

File: 35-2

From Yampa, Colo., to Denver, Colo., to be consigned to U. W. Fund % Walter Hopkins

The Public Utilities Commission
of the State of Colorado,
State Office Building,
Denver 2, Colorado.

Gentlemen:

A carload of spinach has been donated to the United War Fund, the latter purposes to distribute the money received from this car to the various war relief funds.

In view of the purpose for which the money received from the sale of this spinach will be used, we are willing to handle the same free of charge.

Will you please authorize free movement thereof.

Yours truly,

F. J. Toner
B.

B:H

THE PUBLIC UTILITIES COMMISSION
FILED
SEP 18 1945
THE STATE OF COLORADO

Misc. Docket No. 184

8/7/43

(Decision No. 24974)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MANUEL DIAZ, BOX 296, SUGAR CITY,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 7047-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

September 24, 1945

Appearances: Manuel Diaz, Sugar City, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce from point to point within a ten-mile radius of Ordway, Colorado, and from farms in said area to Ordway.

The matter was set for hearing, in Pueblo, Colorado, on August 14, 1945, and there taken under advisement.

Harmon Vasquez testified at the hearing on behalf of applicant, stating that applicant lives near Sugar City and owns a 1940 Ford truck, with beet rack, and wants to haul farm produce, especially beets.

No one appeared in opposition to the granting of the authority sought.

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

O R D E R

THE COMMISSION ORDERS:

That Manuel Diaz, of Sugar City, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce (excluding live-

stock) from point to point within a ten-mile radius of Ordway, and from farms in said area to Ordway, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of September, 1945.

mw

(Decision No. 24975)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FREDERICK C. HARVEY, NORTH AVONDALE,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 3819-AA
PUC NO. 1090 TO FRANK M. CADWELL,)
BOONE, COLORADO.)

September 24, 1945

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

By Decision No. 22921, dated November 22, 1944, Fred C. Harvey acquired by transfer PUC No. 1090, authorizing the transportation, on call and demand, of:

> farm products, including livestock, farm equipment, farm supplies, into, out of, and between points within a radius of fifteen miles of Avondale, Colorado, without the right to serve between towns served by motor vehicle common carriers operating on schedule.

He now seeks authority to transfer said certificate to Frank M. Cadwell, of Boone, Colorado.

Hearing was held in Pueblo, Colorado, on August 14, 1945, and the matter was taken under advisement.

It appears there are no outstanding unpaid accounts against the Harvey operation; that he wishes to sell his certificate and equipment to Frank M. Cadwell, who is an experienced operator with a net worth of approximately $5,000.00 and is the owner of a 1944 Ford tractor and trailer and a 1939 truck; that he has paid $500.00 for the certificate and a 1938 Ford truck; that the ton-mile tax deposit of transferor is to be transferred to the account of transferee.

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

O R D E R

THE COMMISSION ORDERS:

That Frederick C. Harvey be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1090 to Frank M. Cadwell, of Boone, Colorado.

That ton-mile tax deposit of transferor is to be transferred to account of transferee.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of September, 1945.

mw

(Decision No. 24976)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEO M. HAYDEN, DOING BUSINESS AS)
"COUNTRY BOY SERVICE," ROUTE 2,)
PUEBLO, COLORADO, FOR A CLASS "B") APPLICATION NO. 7043-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

September 24, 1945

Appearances: Marion F. Jones, Esq., Denver, Colorado, for W. K. Carroll, John W. Law;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing on Tuesday, the 14th day of August, 1945, at the Court House in Pueblo, Colorado, due notice of the time and place being forwarded to all parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The files were made a part of the record, and the matter was taken under advisement.

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of September, 1945.

mw

(Decision No. 24977)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF TONY COLYN AND LEONARD COLYN, 1703 SOUTH NEVADA AVENUE, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 647 TO J. A. FINNEY, 942 SOUTH CONEJOS STREET, COLORADO SPRINGS, COLORADO.	APPLICATION NO. 733-AAA
IN THE MATTER OF THE APPLICATION OF J. A. FINNEY, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 123 TO J. A. FINNEY AND R. N. FINNEY, 942 SOUTH CONEJOS STREET, COLORADO SPRINGS, COLORADO.	APPLICATIONS NOS. 652-A 615-AA 753-AA 6364-A

September 24, 1945

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

The above matters were heard in Colorado Springs, Colorado, on August 14, 1945, and taken under advisement.

Pursuant to Decision No. 4409, dated June 29, 1932, Tony Colyn and Leonard Colyn acquired that portion of the certificate of public convenience and necessity issued to them in Application No. 733 as it relates to and covers five (5) cars in sightseeing and auto livery service in the Colorado Springs vicinity.

They now seek authority to transfer this authority, being PUC No. 647, to J. A. Finney and R. N. Finney, doing business as "Finney & Son," 942 South Conejos Street, Colorado Springs, Colorado.

At the hearing, it appeared that the consideration for the transfer of two DeSoto seven-passenger sedans, the good will and business of Tony and Leonard Colyn, and the certificate, is the sum of $5,250.00 in

cash; that the ton-mile tax deposit of transferors is to be transferred to the account of transferee.

It also appeared that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation; that J.A. Finney is the owner of Certificate No. 123, which authorizes sightseeing and auto livery service in the Colorado Springs vicinity; that he, in conjunction with R. N. Finney, his son, recently purchased from Colyn Brothers Certificate No. 647; that at the hearing on the transfer of Certificate No. 647, evidence was also submitted concerning transfer of Certificate No. 123 from J. A. Finney to J. A. Finney and R. N. Finney, doing business as "Finney & Son;" that at that time, J. A. Finney, through his attorney, Mr. Jones, stated they were filing application covering transfer of said Certificate No. 123 with this Commission, and asked that evidence be taken at this time on the transfer of said Certificate No. 123, which was granted.

It further appeared that there are no outstanding debts against the operations of transferor under Certificate No. 123, and that J. A. Finney and his son, R. N. Finney, propose to operate under the name of "Finney & Son," and wish to operate the two certificates — that is, PUC No. 647 and PUC No. 123, together under Certificate No. 123 as a partnership.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that said transfers should be authorized, and that the authority granted under Certificate No. 647 be consolidated with Certificate No. 123.

O R D E R

THE COMMISSION ORDERS:

That Tony Colyn and Leonard Colyn, of Colorado Springs, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 647 to J. A. Finney and R. N. Finney, doing business as "Finney & Son," a co-partnership, of Colorado Springs, Colorado.

That ton-mile tax deposit of transferors be transferred to account of transferees.

The tariff of rates, rules and regulations of the transferors shall become and remain those of the transferees until changed according to law and the rules and regulations of this Commission.

That J. A. Finney be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 123 to J. A. Finney and R. N. Finney, doing business as "Finney & Son," a co-partnership, of Colorado Springs, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferees until changed according to law and the rules and regulations of this Commission.

That permission is hereby given to consolidate the authority granted under PUC No. 647 with PUC No. 123, both operations to be conducted under the number "PUC No. 123."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of September, 1945.

mw

(Decision No. 24978)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL D. LARSEN, DOING BUSINESS AS)
"LARSEN TRANSFER & STORAGE COMPANY,") APPLICATION NO. 6981
2855 WALNUT STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

September 25, 1945

Appearances: E. V. Holland, Esq., Denver, Colorado, for applicant;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., Larson Transportation Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, and
A. J. Fregeau, Denver, Colorado, for Feicker Transfer and Storage Company;
Arthur A. Brooks, Jr., Esq., Denver, Colorado, for The Colorado Transfer and Warehousemen's Association;
T. S. Wood, Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

By the Commission:

The above matter was heard at Denver, Colorado, on June 26, 1945.

Applicant, engaged in the business of moving and transfer within the City Limits of the City and County of Denver, and doing business as "Larsen Transfer & Storage Company," seeks authority to conduct a moving and storage business in an area not to exceed five miles beyond the City Limits of Denver.

Applicant stated that he has rented trucks to the Morey Mercantile Company from day to day, as needed; that he usually is called the night before or in the morning, and that he furnished a truck and driver which were paid for by the hour by Morey. He also has rented trucks to other customers. In the case of his operation with Morey, his trucks go to Morey's place of business, are loaded, and then proceed to north Denver,

and sometimes to Edgewater or Lakewood. This is a frequent occurrence. He also rents trucks to other warehousemen and movers, among which are North Denver Transfer, U. S. Transfer, MacGregor Transfer and Storage Company, Acme Transfer, Russell Freightways, Martin Truck Line, and Harris Truck Line.

Upon examination, applicant testified that he intended to ask in his application for a permit, and not for a certificate.

He stated that his net worth is $25,000.00; that he has been in the trucking business since 1906 and that his equipment is in good shape, considering present conditions.

When he picks up for the Martin Truck Line and others, he makes a special charge. To Morey, he merely rents the trucks, and the trucks are under Morey's supervision and control.

Motion was made by Mr. White that applicant's application, insofar as transporting commodities for Morey, should be dismissed and alleged as a reason that the Commission had no jurisdiction over such a situation. Mr. Stockton joined in this motion, and motion was taken under advisement.

Upon examination by Mr. Brooks, applicant stated that he made no request for the transportation of household goods.

Upon cross-examination by Mr. Stockton, applicant stated that he had done business with Martin since January 1, 1945, with Harris about one and a half years, and with Acme, about two months. He also stated that he did want to transport household goods for Martin and Harris and any others who might use his docks; that all work for Martin was done on a strictly hourly basis. He further stated that he intended to rent trucks for the transportation of commodities outside of the city only by the hour, and that was all he asked in his application. He stated that he would not compete with line-haul carriers to Littleton, but would to Aurora. He also said that in his opinion there were plenty of carriers to take care of the business and that he believed the service was adequate to a five-mile area; that he wanted only authority to serve his own customers.

Cecil A. Foster, owner of PUC No. 72, stated that he has authority to serve Remico, Fort Logan, Littleton, Morrison, Bailey, Englewood, Aurora

Fitzsimons and Buckley Field; that he has leased equipment from Larsen for freight movement within the five-mile area. He also testified that as soon as the war was over, there would be a lot of idle equipment on hand.

A. J. Fregeau, General Manager of Weicker Transfer and Storage Company, owner of PUC Nos. 8 and 241, testified that his company picks up and delivers for other operators; that Rocky Mountain Parks Transportation Company is one customer served regularly and that the other customers are on call and demand; that there are other carriers whom his company serves; that merchandise in pick-up and delivery service is heavier than a year ago, due to Army installations. He stated that Weicker has 122 pieces of equipment and plenty of service for the type sought by applicant, and that applicant's operations would impair the business of Weicker when business returns to normal and present service is adequate.

Upon the record here made, it seems that applicant desires to furnish a two-way service — one to rent trucks, the other a for-hire truck carrier service for a limited number of customers, all of whom are tenants or customers of his dock. We do not have jurisdiction to supervise the renting or leasing of trucks where the lease is bona fide and the lessee has the full management, operation and control of the truck while it is under lease to him, and in view of that fact, is liable for acts of negligence or mismanagement in the handling of the truck. This was the basis of motion of counsel for Weicker and Rio Grande Motor Way to dismiss the application. We do have jurisdiction of for-hire truck operations. If the lease were not a bona fide lease, and in fact amounted to a carriage for hire arrangement under guise of a lease, we would have jurisdiction. Applicant, in that event, would be violating the Motor Vehicle Carrier or the Private Carrier Acts. He suggested that his service would be limited to a few customers; that the service was incidental to his dock service; that the service furnished by him would be more convenient and more readily available at the times and places required by his dock customers than the service of common carriers or private carriers in a position to furnish pick-up and delivery service; that such service was furnished by him for them in the City and County of Denver; that in order to deliver or pick up the small amount of freight originating or

consigned to points within a radius of five miles of the City Limits as a for-hire carrier, he apparently needed a permit if he was to stay within the law.

Obviously, his customers prefer to have all their pick-up and delivery service furnished by one agency. It is not satisfactory to have the Denver freight handled by applicant, and freight near, but outside the Denver City Limits, moved by other carriers who, at times, may be difficult to locate.

On a number of occasions, we have ruled that manufacturing concerns and retail and wholesale merchandisers are entitled to private carrier service when such service is furnished by the carrier who has a limited number of customers and is in a position to furnish the service more quickly and easily than other carriers. It would seem that the same rule should apply to over-the-road carriers by truck where the volume of business is not so great that the loss of it would definitely impair the efficiency of common carriers furnishing pick-up and delivery service. Here, the only carrier testifying in opposition operates perhaps the most extensive line-haul service in the state. It is possible that carriers here involved may prefer to use an imdependent service. There was some testimony to the effect that the failure to get this business might tend to impair the efficiency of the Weicker operation. Apparently this carrier has never enjoyed the business here involved, and it would seem that it probably is unlikely to get it. We apprehend that the fear of impairment of service on account of the granting of this permit is more imaginary than real.

The application presented here did not, in terms, request a permit or certificate to operate a for-hire pick-up and delivery service. In effect, applicant asked the Commission to grant authority to engage in a "for rent truck service." Under the circumstances, we think that a dismissal or denial of the application upon that ground would be over-technical. Procedure before the Commission is supposed to be somewhat informal. Therefore, we will consider the application as one seeking authority to operate a for-hire motor carrier service as a Class "B"private carrier.

F I N D I N G S

THE COMMISSION FINDS:

That it does not have jurisdiction of applicant's "leased truck

service;" that motion of counsel for Weicker and Rio Grande Motor Way relative thereto was well taken, and therefore we must deny the application insofar as it seeks authority from us to conduct such service.

That said application should be considered as an application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the pick-up and delivery of freight for over-the-road carriers of freight by motor vehicle between applicant's dock in Denver and points within a radius of five miles of the City Limits thereof, customers to be limited to "over-the-road carriers" who are customers or tenants of his dock.

That the granting of a private carrier permit for such service will not impair the efficiency of any adequate motor vehicle common carrier performing such service in that part of said area outside the limits of the City and County of Denver, and that as to service within the City Limits, the Commission does not have jurisdiction.

O R D E R

THE COMMISSION ORDERS:

That it does not have jurisdiction of applicant's "leased truck service" and the application insofar as it seeks authority to conduct such service is hereby denied.

That Earl D. Larsen, doing business as "Larsen Transfer & Storage Company," Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the pick-up and delivery of freight for over-the-road carriers of freight between applicant's dock in Denver and points within a radius of five miles of the City Limits thereof, customers to be limited to "over-the-road carriers" who are customers or tenants of his dock.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of September, 1945.

mw

(Decision No. 24979

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
O. T. DAVIS, OF LITTLETON,) P. U. C. NO. 1493
COLORADO.)

September 24, 1945.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from O. T. Davis, of Littleton, Colorado, requesting that his Certificate No. 1493 be cancelled.

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

O R D E R

IT IS ORDERED:

That Certificate No. 1493, heretofore issued to O. T. Davis, be, and the same is hereby, declared cancelled effective September 1, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of September, 1945.

R

(Decision No. 24980)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Original

* * *

IN THE MATTER OF THE APPLICATION OF THOMAS L. REASONER AND R. A. COOK, CO-PARTNERS, DOING BUSINESS AS "ALLIED MOTOR TOURS," 614 NORTH NEVADA AVENUE, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1503 TO R. A. COOK, SCOTT R. MC CORMICK, AND VERLIN B. MC INTIRE, CO-PARTNERS, 732 WEST COLORADO AVENUE, COLORADO SPRINGS, COLORADO.	APPLICATION NO. 6229-AA
IN THE MATTER OF THE APPLICATION OF THOMAS L. REASONER AND PAULINE A. REASONER, CO-PARTNERS, DOING BUSINESS AS "ALLIED MOTOR TOURS," 601 NORTH TEJON STREET, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 164 TO SCOTT R. MC CORMICK AND VERLIN B. MC INTIRE, CO-PARTNERS, DOING BUSINESS AS "ALLIED MOTOR TOURS," 732 WEST COLORADO AVENUE, COLORADO SPRINGS, COLORADO.	APPLICATION NO. 627-AAA-A

September 25, 1945

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants.

STATEMENT

By the Commission:

By Decisions Nos. 20217 and 22322, Thomas L. Reasoner and R. A. Cook, co-partners, doing business as "Allied Motor Tours," were authorized to operate a motor vehicle common carrier for-hire transportation system for the transportation of:

> passengers and hand baggage between Colorado Springs and Camp Carson, and between Colorado Springs and Peterson Field, subject to certain restrictions and qualifications set forth in Decision No. 20217.

Said Thomas L. Reasoner, with the consent and approval of R. A. Cook, his co-partner, herein seeks authority to transfer his interest in said partnership certificate to Scott R. McCormick and Verlin B. Mc Intire, said certificate hereafter to be owned by said R. A. Cook, Scott R. McCormick and Verlin B. McIntire as co-partners, Cook to have an undivided one-half interest therein, and Scott R. McCormick and Verlin B. McIntire each to have an undivided one-fourth interest therein. His wife, Pauline A. Reasoner, who has no interest in this certificate, joined in the application.

Pursuant to Decision No. 24793, Thomas L. Reasoner and Pauline E. Reasoner, doing business as "Allied Motor Tours," acquired the right, as co-partners, to operate three cars in sightseeing and auto livery service in the Pikes Peak region, subject to the conditions and restrictions contained in Decisions No.s 13304, 20045, 17399, 20753, and 22323.

They now seek authority to transfer said operating rights to Scott R. McCormick and Verlin B. McIntire, a co-partnership.

The road tax deposits are to be transferred to the accounts of transferees -- that is, the partnership account of Reasoner and Cook on deposit with the Commission under operation authorized by PUC No. 1503 is to be transferred to the account of R. A. Cook, Scott R. McCormick, and Verlin B. McIntire, a co-partnership, and the deposit with the Commission under operation of Thomas L. Reasoner and Pauline A. Reasoner, co-partners, doing business as "Allied Motor Tours," operating under PUC No. 164, is to be transferred to the account of Scott R. McCormick and Verlin B. McIntire, a co-partnership.

From the application on file and other communications received from Mr. Reasoner, it appears that his health is not good; that as soon as the order transferring is entered in the above-styled matters, he expects to go to Mayo Brothers' Clinic for examination and such treatment as they may require. He asked that the matters be heard promptly.

In view of the fact that the operating rights of transferors are well defined, and that said certificates are in good standing, no

useful purpose, in the opinion of the Commission, would be served by a formal hearing, inasmuch as there probably would be no opposition from anyone to said transfers. It also appears from the files and records that there are no outstanding unpaid accounts against said operations. Therefore, the Commission has determined to consider said matters, forthwith, and without formal setting or formal hearing, and after careful consideration of said applications and the records, the Commission finds that the authority sought should be granted, subject to the conditions and restrictions contained in orders heretofore entered granting said certificates and authorizing numerous transfers thereof.

O R D E R

THE COMMISSION ORDERS:

That Thomas L. Reasoner and R. A. Cook, Co-partners, doing business as "Allied Motor Tours," Colorado Springs, Colorado, should be, and they hereby are, authorized to transfer to R. A. Cook, Scott R. McCormick and Verlin B. McIntire, a co-partnership, the operating authority granted to T. L. Reasoner by Decision No. 20217, which was transferred to Reasoner and Cook pursuant to authority contained in Decision No. 22322, subject to the conditions and restrictions contained in said decisions, the said co-partners respectively to have the following interests in said co-partnership certificate:

R. A. Cook . . . . . an undivided one-half interest
Scott R. McCormick . . an undivided one-fourth interest
Verlin B. McIntire . . an undivided one-fourth interest.

That Thomas L. Reasoner and Pauline A. Reasoner, co-partners, doing business as "Allied Motor Tours," Colorado Springs, Colorado, should be, and they hereby are, authorized to transfer the right to operate three cars in sightseeing and auto livery service in the Pikes Peak Region which they acquired pursuant to Decision No. 24793, being PUC No. 164, to Scott R. McCormick and Verlin B. McIntire, co-partners, doing business as "Allied Motor Tours," Colorado Springs, Colorado.

The tariff of rates, rules and regulations of the transferors

shall become and remain those of the transferees until changed according to law and the rules and regulations of this Commission.

That deposits of transferors on file with the Commission shall be transferred to accounts of transferees.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of September, 1945.

mw

(Decision No. 24981)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

Original

IN THE MATTER OF THE APPLICATION OF GRAND LAKE LIGHT COMPANY FOR AUTHORITY TO SELL AND THE MOUNTAIN UTILITIES CORPORATION TO PURCHASE THE PROPERTIES AND DISTRIBUTION SYSTEM LOCATED AT GRAND LAKE, COLORADO, AND ADJACENT TERRITORY IN THE COUNTY OF GRAND, STATE OF COLORADO.

APPLICATIONS NOS. 6811-A
7009-A

September 26, 1945

Appearances: Worth Allen, Esq., Denver, Colorado, and Glen E. Woods, Grand Lake, Colorado, for Grand Lake Light Company; Frank McDonough, Esq., Denver, Colorado, for The Mountain Utilities Corporation.

S T A T E M E N T

By the Commission:

On February 27, 1935, in Application No. 2209, by Decision No. 6338, the Commission granted a certificate of public convenience and necessity to Donald E. Woods, authorizing him to operate a generating plant and distribution system for the generation and distribution of electric energy in the unincorporated Town of Grand Lake and immediate vicinity thereof.

On April 10, 1935, in Application No. 2209, by Decision No. 6422, the Commission authorized said Woods to transfer his certificate of public convenience and necessity to Grand Lake Light Company, a Colorado Corporation, which has authority under its charter to manufacture, generate, buy, sell, accumulate, store, transmit, furnish and distribute electric current for light, heat and power, and generally to do those acts and things which a corporation desirous of furnishing electric energy to the public as a public utility is authorized to do.

Said transfer was duly consummated, and on May 4, 1945, in Application No. 6811, by Decision No. 24466, upon application of said Grand Lake Light Company for clarification of its operating rights, the Commission granted a certificate of public convenience and necessity to said Grand Lake Light Company, a corporation:

> "for the purpose of distributing and selling electrical energy for light, power, and heating purposes, to and among present and future inhabitants of the territory described as: beginning at the northeast corner of Section 4, Township 5-North, Range 75-West, thence west to the northwest corner of Section 3, Township 5-North, Range 76-West, thence south to the southwest corner of Section 34, Township 5-North, Range 76-West; thence east to the northwest corner of Section 3, Township 4-North, Range 76-West; thence south to the southwest corner of Section 15, Township 3-North, Range 76-West; thence west to the northwest corner of Section 24, Township 3-North, Range 77-West; thence south to the west ¼ corner of Section 36, Township 3-North, Range 77-West; thence east to the east ¼ corner of Section 33, Township 3-North, Range 75-West; thence north to the northeast corner of Section 4, Township 4-North, Range 75-West; thence west to the southeast corner of Section 33, Township 5-North, Range 75-West; thence north to point of beginning, and that, to that end and for that purpose, will require extensions from time to time of applicant's line and service into area within the said boundaries as the needs of residents of area may require."

In Application No. 7009, on August 22, 1945, by Decision No. 24858, the Commission granted a certificate of public convenience and necessity to Grand Lake Light Company, a corporation, to exercise certain franchise rights granted to it by the Board of Trustees of the Town of Grand Lake, Colorado, in Ordinance No. 12, said unincorporated Town of Grand Lake having been incorporated prior to the issuance of said certificate. Ordinance No. 12, which was passed by the Board of Trustees of the Town of Grand Lake, and approved by the Mayor thereof on the 3rd day of May, 1945, granted to applicant, its successors and assigns, a franchise:

> "to construct, acquire, maintain and operate a plant or plants and works for the generation, transmission and distribution of electricity, and to furnish, sell, and distribute said product to the said Town of Grand Lake and the inhabitants thereof for light, heat and power, or other purposes, by means of conduits, cables, poles and wires strung thereon, or otherwise, over, under, along, across and through all streets, alleys and public ways and places in the Town of Grand Lake"

upon certain terms and conditions therein set forth, said franchise to extend for a period of twenty years from and after its final passage, approval and publication and approval and acceptance by applicant. Franchise was accepted by applicant on May 7, 1945.

By Applications Nos. 6811-A and 7009-A, filed with the Commission on September 1, 1945, Grand Lake Light Company, a corporation, seeks authority to transfer its certificates of public convenience and necessity and the rights and privileges it enjoys thereunder, to The Mountain Utilities Corporation, a Colorado Corporation.

The matter, pursuant to prior setting and due notice to all parties in interest, was heard in Denver, Colorado, on September 20, 1945, and taken under advisement.

At the hearing, it appeared that on August 22, 1945, Grand Lake Light Company and The Mountain Utilities Corporation entered into a Contract of Sale and Purchase, whereby Grand Lake Light Company agreed, subject to approval of the United States National Bank, as Trustee under bond indenture of the vendee, The Public Utilities Commission of the State of Colorado, and the Department of the Interior (Bureau of Reclamation) to sell all electric transmission, distribution and service lines or systems owned or operated by vendor located in the County of Grand, State of Colorado, and any extensions thereof, together with all rights-of-way owned or leased by the vendor and together with all service and connecting lines, substations, poles, posts, cross arms, wires, cables, conduits, transformers, insulators, meters and metering equipment, switches, connections, lamps, switches, junction boxes, fixtures, appliances, switch boards, machinery, tools, implements, hardware, trucks and vehicles and all other furniture, fixtures, and equipment which are incorporated in or connected with the electric lines and syatems and the operation heretofore conducted and owned by the vendor, all of which real estate, rights-of-way and other property shall be specifically described in the deed of conveyance; all easements, rights-of-way or other interest in land or other contracts or privileges granted to or held or owned by the vendor and all agreements and contracts granting privileges for railroad or power lines, telephone or telegraph

line crossing, joint use of poles, encroachment agreements and other licenses, franchises, ordinances, privileges or permits held by the vendor heretofore granted, issued or executed to the vendor or its predecessors in interest by the United States of America or any department or bureau thereof, or by the State of Colorado, or by any county, municipality or political subdivision thereof, including any licenses from the Federal Power Commission and contracts from the Bureau of Reclamation; all consumer records, consumer contracts or agreements, accounting records, and abstracts, deeds, maps, drawings, charts, engineer and accounting data and bookkeeping systems and equipment and all other records which relate to any of the properties herein mentioned, and all other properties whether real, personal or mixed, tangible or intangible, belonging or in anywise appertaining to the property heretofore owned and operated by the vendor, expressly excepting the 1941 Ford Tudor automobile heretofore used by Don M. Woods, and all merchandise, etc., purchased and held for sale to the public, for a base price of Fifty-Two Thousand Dollars ($52,000.00), the terms of payment and other conditions governing said sale being set forth in copy of said Agreement which was Exhibit 1 at the hearing, which by reference is made a part hereof.

It also appeared that vendee now has on deposit in the United States National Bank sufficient funds to pay the initial downpayment of Forty-Three Thousand Dollars ($43,000.00), as stipulated in said Agreement, and about Thirteen Thousand Dollars ($13,000.00) additional which it can expend for improvement and betterment of the properties to be acquired. No new borrowings are contemplated.

It developed that The Mountain Utilities Corporation has operated as a utility for many years; that recently it disposed of a number of properties owned by it in the Counties of Elbert, El Paso, Teller and Chaffee; that it now owns and operates generating plants, transmission lines and distribution systems in the Counties of Pitkin and Grand, service being furnished in Aspen, Fraser, Tabernash, Granby and Hot Sulphur Springs; that the territory which it has been authorized to serve in the vicinity of Granby

is contiguous to and adjoins the territory which Grand Lake Light Company is authorized to serve under its certificate of public convenience and necessity; that it will assume and carry on all obligations existing under any franchises, licenses, permits, or contracts acquired by it under the Purchase Agreement aforesaid.

It appeared that there are no outstanding unpaid obligations against Grand Lake Light Company, except approximately $600.00 in current accounts and a note for $4,000.00 due one H. M. Riggs; that immediately upon receipt of purchase price, company will retire its outstanding Preferred Stock, totalling $6,950.00, by payment of the retiring price specified in the Articles of Incorporation and accumulated unpaid dividends. The current accounts of $600.00 and note of H. M. Riggs, with interest, also will be paid. All Common Stock of company is owned by Don E. Woods, his wife, friends and relatives. Woods and his wife own 99% thereof.

Closing date specified in the Agreement is October 1, 1945.

Upon the record, it appears that the transfer requested will be in the public interest; that transferee is a qualified, experienced operator of power systems, and pecuniarily and otherwise is in a position to furnish satisfactory and adequate service to the inhabitants of the communities Grand Lake Light Company is authorized to serve. Inasmuch as there are no parties in interest other than the contracting parties and the people served by the respective companies, none of whom has appeared in opposition to the granting of the authority sought, it would seem that said order should be made effective forthwith, in order that the matter may be closed prior to October 1, 1945.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the granting of the authority sought, and that Grand Lake Light Company, a Colorado corporation, should be authorized to transfer its certificates of public convenience and necessity and properties, as heretofore described, to The

Mountain Utilities Corporation, a Colorado corporation, and that said transfer be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require that Grand Lake Light Company, a Colorado corporation, be, and it hereby is, authorized to transfer to The Mountain Utilities Corporation, a Colorado Corporation, all its right, title, and interest in and to certificates of public convenience and necessity granted in Application N . 6811, Decision No. 24466, and Application No. 7009, Decision No. 24858, and the other properties described in Exhibit No. 1, referred to in the Statement preceding, which, by reference, is made a part hereof, under the terms and conditions set forth in said Exhibit No. 1.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to the law and rules and regulations of this Commission.

Applicant shall set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring all its practices as to testing, consumers' deposits and operations, records of meters, transormers and complaints into compliance with the Commission's requirements, within twenty (20) days from date.

This order shall become effective as of the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of September, 1945.

mw

Original

(Decision No. 24982)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

***

IN THE MATTER OF THE APPLICATION OF EUGENE L. McDOWELL, 1336 E. River, PUEBLO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 7042-PP

Sept. 26, 1945.

Appearances: Eugene L. McDowell, Pueblo, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado, for Welcker Transfer and Storage Company;
Marion F. Jones, Esq., Denver, Colorado, for W. K. Carroll;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
J. S. White, Route 2, Pueblo, Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing, and heard, at Pueblo, Colorado, on August 14, 1945, and there taken under advisement.

It appeared that applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, hay and farm products (excluding livestock) within an area bounded as follows:

> On the south by a line running east and west through Greenhorn; on the west by a line running north and south along the western boundary of the City of Pueblo; on the north by a line running east and west through Fountain, and on the east by a line running north and south through Boone.

It further appeared that applicant owns a 1½-ton GMC truck and is financially able to carry on his proposed operation. He stated that he has had many calls for the service he proposes to render in this territory.

The only objection made to the granting of the authority sought was

interposed by protestant Carroll. He protested against authority being issued to haul baled hay to Pueblo or nearby points, especially dairies and hospitals located adjacent to Pueblo. He further stated that he had ample equipment to take care of this service; that part of his equipment is idle a greater portion of the time, and the hauling of baled hay to Pueblo and nearby points was needed by him to maintain adequate service for the territory he now serves. While we appreciate the desire of Mr. Carroll to haul baled hay to dairies, if afforded the opportunity, we also realize that dairies and hospitals in the area prefer and need a complete service -- they want the same carrier who hauls their baled hay to haul loose hay, grain in bulk and feeds generally -- that is, whatever feeds are available.

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

O R D E R

IT IS ORDERED:

That Eugene L. McDowell, of 1398 East River St., Pueblo, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, hay, and farm products (excluding livestock), within an area bounded as follows:

> On the south by a line running east and west through Greenhorn; on the west by a line running north and south along the western boundary of the City of Pueblo; on the north by a line running east and west through Fountain, and on the east by a line running north and south through Boone.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1945.

BH

(Decision No. 24983)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF GOULD LUMBER & INVESTMENT COMPANY, 243 NORTH COLLEGE AVENUE, FORT COLLINS, COLORADO.

CASE NO. 34082-Ins.

Sept. 26, 1945.

S T A T E M E N T

By the Commission:

On August 27, 1945, Permit C-9727 was revoked and cancelled because of failure of respondent to file insurance.

It appears from the correspondence and files that the insurance company claimed that insurance was filed at the proper time with the Commission, as insurance is now on file without any lapse.

After careful consideration of the record and files, the Commission is of the opinion, and finds, that our Decision No. 34082-Ins. should be cancelled and set aside, and said Permit No. C-9727 restored to its former status.

O R D E R

IT IS ORDERED:

That Decision No. 34085-Ins. be, and the same hereby is, set aside and cancelled, and said Permit No. C-9727 restored to its former status, effective as of August 27, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1945.

BH

(Decision No. 24984)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF BEN TERRY, ROUTE 1, ROCKY FORD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 6968-PP

Sept. 26, 1945.

Appearances: Ben Terry, Route 1, Rocky Ford, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for John W. Law and Carroll Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm commodities and livestock within a 50-mile radius of Rocky Ford, Colorado.

The matter was set for hearing, and heard, at Pueblo, Colorado, on August 14, 1945, and there taken under advisement.

At the hearing, the evidence disclosed that applicant desires to haul beets and onions within a radius of ten miles of Rocky Ford; hay and grain within a radius of 25 miles of Rocky Ford, and livestock from points within a radius of fifty miles of Rocky Ford, to salesrings in Rocky Ford, and from salesrings in Rocky Ford to points in said area, excluding all service in Pueblo County.

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

No opposition appeared to the authority now asked for by applicant.

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

O R D E R

IT IS ORDERED:

That Ben Terry, of Rocky Ford, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of beets and onions between all points within a radius of ten miles of Rocky Ford, Colorado; grain and hay between all points within a radius of twenty-five miles of Rocky Ford, Colorado, and livestock from points (except points in Pueblo County) within a radius of fifty miles of Rocky Ford to salesrings in Rocky Ford, and from salesrings in Rocky Ford to farmers and feeders in said area, excluding all that portion of Pueblo County lying within said 50-mile radius, and without the right to engage in town to town service in competition with line-haul common carriers.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1945.

BH

(Decision No. 24985)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

Original

IN THE MATTER OF THE APPLICATION OF P. O. SULLIVAN, DOING BUSINESS AS "SULLY'S TRANSFER," 327 SOUTH UNION STREET, PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 480 TO HARRY L. BENNETT, DOING BUSINESS AS "BENNETT MOTOR TRANSPORT COMPANY," 719 WEST FOURTH STREET, PUEBLO, COLORADO.	APPLICATION NO. 1581-AA
IN THE MATTER OF THE APPLICATION OF E. F. GIBBENS, 631 EAST FIFTH STREET, PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1101 TO HARRY L. BENNETT AND GERALD G. BENNETT, DOING BUSINESS AS "BENNETT BROS.," 719 WEST FOURTH STREET, PUEBLO, COLORADO.	APPLICATION NO. 4606-PP-AA
RE MOTOR VEHICLE OPERATIONS OF HARRY L. BENNETT AND GERALD G. BENNETT, PUEBLO, COLORADO.	PERMIT NO. B-1857
RE MOTOR VEHICLE OPERATIONS OF GERALD G. BENNETT, PUEBLO, COLORADO.	PERMIT NO. B-2637

October 1, 1945

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
North Allen, Esq., Denver, Colorado, for Buel Lowder;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company.

STATEMENT

By the Commission:

The above-styled matters, pursuant to prior setting and proper

notice to all parties in interest, were separately heard in Pueblo, Colorado, on August 14, 1945, and taken under advisement. In order to conserve time, the Commission determined to consolidate, and has consolidated, said matters for purpose of writing Order and Decision herein.

Pursuant to authority contained in Decision No. 7246, of date February 24, 1936, P. O. Sullivan acquired the certificate of public convenience and necessity granted to C. C. Colvin on June 28, 1930 by Decision No. 2955, said certificate, subject to certain conditions and restrictions contained in said decision, authorizing the conduct of a:

> transfer, moving and general cartage business in the Counties of Pueblo, Huerfano and Las Animas, in the State of Colorado, and for occasional service throughout the State of Colorado and in each of the counties thereof.

Said P. O. Sullivan herein seeks authority to transfer said certificate to Harry L. Bennett, doing business as "Bennett Motor Transport Company."

At the hearing, it appeared that the consideration for the transfer of said certificate is the sum of Twenty-Five Hundred Dollars ($2500.), to be paid as follows: $1,000.00 cash, $500.00 on transfer of the certificate, and $1,000.00 six months after date of transfer.

It further developed that there are no outstanding unpaid obligations against the operation; that transferee is an experienced trucker who owns two trucks and two semi trailers, and is financially able to properly carry on the operation; that ton-mile tax deposit is to be transferred to the account of transferee.

Pursuant to authority contained in Decision No. 12046, E. F. Gibbens acquired the interest of Ted Gibbens in Private Carrier Permit No. B-1101, which issued on October 28, 1935, pursuant to Decision No. 6760, to E. F. Gibbens and Ted Gibbens, co-partners, doing business as "Gibbens and Son." Said permit authorizes the transportation of:

> farm products, including livestock, from farms in Pueblo County to the nearest market in said county; farm supplies and machinery from said market points to said farms, and livestock, used farm machinery, equipment and supplies, from farm to farm in said Pueblo County, and the transportation of farm products, including livestock, but excepting fresh vegetables, from and to farms in Pueblo County, to and from points

in the State of Colorado, and occasional transportation of hay and grain in bulk from towns in Pueblo County and farms in the Wet Mountain Valley to the Sweeney Feed Mill in Pueblo.

By Application No. 4606-PP-AA, said E. F. Gibbens seeks authority to transfer Permit No. B-1101 to Harry L. Bennett and Gerald B. Bennett, doing business as "Bennett Brothers."

At the hearing, it appeared that the consideration for the sale of said permit is the sum of Five Hundred Dollars ($500.00), which was paid in cash at the time of the signing of Contract for Sale and Purchase of said permit on the 18th dy of June, 1945; that there are no outstanding unpaid claims against the operation; that transferees, pecuniarily and otherwise, are qualified to carry on the operation; that road tax ton-mile deposit is to be transferred to the account of transferees; that vendor is not to engage in the trucking business in Pueblo County for a period of five years from the date said proposed transfer is approved by the Commission.

At the hearing, it also appeared that since February, 1937, Harry L. Bennett and Gerald G. Bennett, doing business as "Bennett Brothers," have operated as Class "B" private carriers by motor vehicle for hire under Permit No. B-1857, with authority:

> to transport coal from mines within a twenty-mile radius of Canon City and a like radius of Walsenburg, to Pueblo, Colorado Springs and points on U. S. Highways Nos. 96 and 50 within 150 miles of Pueblo; sand and gravel from points within a radius of twenty miles of Pueblo to construction jobs, and cement from Pueblo to construction jobs, all within 150 miles of Pueblo; lime from Pueblo to points within 150 miles thereof, except Canon City; coal or solid fuel from mines within a radius of twenty miles of Canon City and mines within a radius of forty miles of Walsenburg, to Pueblo and to points within a radius of 150 miles of Pueblo; sand, gravel, rock and coal between any points in the State of Colorado in connection with improvement jobs under construction; rough lumber, timber and mine props between forests, mills, mining camps and other points; gypsum or non-metallic materials from Stone City to Portland and other points within a radius of 150 miles of Pueblo, and lime between Pueblo and Manitou and points within 150 miles of Pueblo or Manitou; provided, however, that no lumber or lime shall be moved into Canon City in competition with the Keith Truck Line.

Since the hearing, a check of our files and records shows that on

August 16, 1941, Private Carrier Permit No. B-2637 issued to Gerald G. Bennett, with authority to transport:

> coal from mines within a radius of 15 miles of Florence and from mines within a radius of 50 miles of Walsenburg to Pueblo and points within a radius of 150 miles of Pueblo; wood (not including processed lumber) from points within a radius of 50 miles of Pueblo to Pueblo and points within a radius of 150 miles of Pueblo.

On May 26, 1942, permit-holder was authorized to suspend his operations for the duration of the war and six months thereafter, on account of the fact that he then became a member of the Armed Forces.

At the hearing, Worth Allen, Esq., representing Buel Lowder, asked that in the event authority to transfer certificate was granted by the Commission, as requested, Permit No. B-1857 and Permit No. B-1101 be cancelled, on the ground that to do otherwise would be against the public interest; that Harry L. Bennett, as an individual or as a co-partner, should not be permitted to conduct a dual operation — that is, operate as a common carrier and as a private carrier at the same time in the same territory, handling the same commodities.

Harry L. Bennett, at the hearing, upon cross-examination, stated that he would not consent to the elimination from the certificate of authority which duplicated the private carrier authority sought to be transferred by Gibbons, or the private carrier authority enjoyed by Harry L. Bennett and Gerald G. Bennett under their Private Carrier Permit No. B-1857, and that he would not consent to the cancellation of Permit No. B-1857. However, he stated that operations under the permit and the certificate would be separately conducted.

Since the hearing, Applicant Harry L. Bennett, by letter, has asked that his Permit No. B-1857 also be transferred to Harry L. Bennett and Gerald G. Bennett, co-partners, doing business as "Bennett Brothers," and that Permit No. B-1857, after transfer, be suspended for a period of one year, or until Gerald G. Bennett returns from his current service in the Armed Forces — whichever event occurs first. As heretofore pointed out, this permit now is in the names of Harry L. Bennett and Gerald Bennett.

Mr. Allen's objection is bottomed upon the premise or proposi-

tion that it is not desirable to permit an individual, as a carrier, to be in a position to offer better service for different rates to the same people he is required to serve as a common carrier than he furnishes them as such common carrier; that it is immaterial that one operation is by Harry L. Bennett, as an individual, the other by a partnership, of which he is a member, where the operations have common management and control -- especially in view of the fact that Gerald G. Bennett now is in the Service, and could not participate in the management of the carrier operations.

Such dual operation is expressly prohibited by Section 210 of the Federal Motor Carrier Act of 1935, except where the Commission, for good cause shown, shall find that such certificate and permit may be held consistently with the public interest. See Cook and Fulmer Common Carrier Application, 27 MCC 759, 762; Ziffrin, Inc., Contract Carrier Application, 28 MCC 683, 696; Oilfields Trucking Company -- Purchase -- Dunbar, 5 MCC 137, 139; Newbold Transportation Company Common Carrier Application, 22 MCC 771; Paxton and DeLair -- Purchase, etc. -- 25 MCC, 498, 499-500; Doudell -- Purchase -- Yasunage, 641; Ziffrin, Inc., Contract Carrier Application, 33 MCC 155; Mathews Extension, 32 MCC 550, 553, 554.

In the last-mentioned matter, the following statement appears:

> "By virtue of the rights transferred from Mathews and Minter, respectively, the partnership M & M Truck Line now holds authority for the transportation of building material from all points in Arkansas to Norman, Oklahoma, and points in Oklahoma within 150 miles thereof, and of lumber from Ashdown to all points in Oklahoma. Granting of the authority sought in the instant proceeding would thus result in a duplication of authority of the partnership and that of Mathews as an individual, insofar as operations in the transportation of lumber from points in Arkansas to points in Oklahoma are concerned. It would give to Mathews the right as a partner and as an individual to select the traffic to be transported from points in Arkansas to points in Oklahoma by the partnership as a contract carrier, or by himself as a common carrier, according to his own election. Such privilege would afford opportunity for discrimination, undue prejudice and advantage, and unfair competition as between shippers with respect to services, rates, and practices, and would not tend to foster sound economic conditions in the transportation industry. Accordingly, authority for operations to points in Oklahoma will be denied."

In McKay vs. The Public Utilities Commission, 104 Colo. 422, 423, the Supreme Court said:

> "That a motor vehicle carrier cannot, at the same time, be both a private carrier and a common carrier is now generally conceded."

On a number of occasions, this Commission has had occasion to deny applicant's authority to conduct dual operations. See in re Faus, 9 Colo., 598, 599, decided March 3, 1933, where the Commission said:

> "the sole question to be determined by the Commission is whether an operator holding a so-called 'rover's certificate' of public convenience and necessity, which permits the transportation of freight generally between points within a certain radius to and from any and all other points within the State, may also operate as a private carrier anywhere within the State of Colorado. We believe it is a well-settled principle of law that the same person may be engaged in one line of business as a common carrier, and in another line of business as a private carrier, and we hold in the case of Re Motor Vehicle Operations of Greeley Transportation Company, a Corporation, Case No. 661, decided September 28, 1931, Decision No. 3873, that the Greeley Transportation Company had the right to operate as a private carrier outside of the territory it was authorized to serve as a common carrier under its certificate of public convenience and necessity. We believe it is also well settled that one may not operate as a common and a private carrier at the same time with the same facilities and within the same territory or over the same route. This doctrine is laid down in the Case of Roach vs. Romm, decided by the Public Service Commission of Pennsylvania and reported in P.U.R. 1930C, 159."

On a few occasions, we have permitted such operations where we have found them to be in the public interest. Frankly, we do not believe that upon the record here made we should permit such dual operations. The authority under the Sullivan Certificate is very broad. Any hauling service that transferees, as co-partners, or as individuals, could perform under their private carrier authority can be furnished under the common carrier authority. We cannot conceive of any reason why they seek to hold their private carrier authority, unless they propose to transfer it to others for a consideration, or expect to be in a position to offer to some individuals the same service furnished under their common carrier certificate at common carrier rates to the public, generally, at different rates or upon terms and conditions other than those allowed the general public. Unquestionably, as set forth in the Mathews Extension Application, supra,

"such privilege would afford opportunity for discrimination, undue prejudice and advantage, and unfair competition as between shippers with respect to services, rates, and practices, and would not tend to foster sound economic conditions in the transportation industry."

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer of P. O. Sullivan of PUC No. 480 to Harry L. Bennett is not in the public interest, and should be denied.

That application of E. F. Gibbons to transfer Permit No. B-1101 to Harry L. Bennett and Gerald G. Bennett, co-partners, doing business as "Bennett Brothers," should be granted.

That Permit No. B-1857 should be suspended for a period of six months from the date hereof.

That if the said Harry L. Bennett elects to, and does, withdraw from Bennett Brothers, co-partners, by sale or disposition otherwise of his interest therein, and ceases to be directly or indirectly owner, manager, co-owner, or otherwise interested in or connected with the management of said Permits Nos. B-1101, B-2637, and B-1857, he may apply for rehearing herein within the time provided by statute and ask that the order denying request for authority to transfer PUC No. 480 be set aside, and for order authorizing said transfer.

O R D E R

THE COMMISSION ORDERS:

That application of P. O. Sullivan for authority to transfer PUC No. 480 to Harry L. Bennett is not in the public interest, and is hereby denied.

That E. F. Gibbons, Pueblo, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1101 to Harry L. Bennett and Gerald G. Bennett, co-partners, doing business as "Bennett Brothers," Pueblo, Colorado.

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

This order is made a part of permit authorized to be transferred.

Ton-mile tax deposit shall be transferred to transferees.

That Permit No. B-1857 should be, and the same hereby is, suspended for a period of six months from the date hereof.

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

That if said Harry L. Bennett elects to, and does, withdraw from Bennett Brothers, co-partners, by sale or disposition otherwise of his interest therein, and ceases to be directly or indirectly owner, manager, co-owner, or otherwise to be interested in or connected with the management of said Permits No.s B-1101, B-2637, and B-1857, he may apply for rehearing herein within the time provided by statute and ask that the order denying request for authority to transfer PUC No. 480 be set aside, and for order authorizing said transfer.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of October, 1945.

mw

Original

(Decision No. 24986)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

IN THE MATTER OF THE APPLICATION OF WILLIAM O. GEISER, 2011 E. 14th ST., PUEBLO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 7046-PP

October 1, 1945.

Appearances: Wm. O. Geiser, 2011 E. 14th St., Pueblo, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, For Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for John W. Law and Carroll Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of flour, grain, mill feed and wheat, for the Colorado Mill and Elevator Company in Pueblo, to any of their elevators in the State, and from any of their elevators in the State to any of their other elevators in the State; turkey feed from Roy Frantz processing plant in Pueblo, to turkey raisers within a 50-mile radius of Pueblo, and turkeys from growers in said 50-mile radius of Pueblo to Roy Frantz processing plant in Pueblo.

The matter was heard in Pueblo, Colorado, on August 14, 1945, and there taken under advisement.

It appeared at the hearing that applicant is the owner of three trucks, has ample equipment, and is financially able to carry on his proposed operations. He desires to haul for the Colorado Mill and Elevator Company and also for Roy Frantz, a dealer in turkeys and processed feed. This service is in the nature of

a specialized or personalized service. No testimony in opposition was offered at the hearing, and it did not appear that applicant's service would impair the efficiency of any common carrier operation.

After careful consideration of the record, the Commission is of the opinion, and finds, that granting authority as limited will not impair the efficiency of any authorized common carrier service, and should be granted.

O R D E R

IT IS ORDERED:

That William O. Geiser, of Pueblo, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of flour, grain, mill feed, and wheat, for the Colorado Mill and Elevator Company to any of its elevators in the State, and from any of its elevators in the State to any other of its elevators in the State; turkey feed from the Roy Frantz processing plant in Pueblo to turkey raisers within a 50-mile radius of Pueblo, and turkeys from said 50-mile radius of Pueblo to the Roy Frantz processing plant in Pueblo.

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

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 1st day of October, 1945.
BH

(Decision No. 24987)

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 CHAFFEE, STATE OF COLORADO, FOR OPENING OF A PUBLIC HIGHWAY OVER THE RIGHT OF WAY AND TRACK OF THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY AT A POINT ON THE QUARTER SECTION LINE WHICH CROSSES THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY RIGHT OF WAY AT QUARTER SECTION LINE IS THAT ONE DIVIDING THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER ($SE\frac{1}{4}SE\frac{1}{4}$) AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER ($SW\frac{1}{4}SE\frac{1}{4}$) OF SECTION THIRTY (30) TOWNSHIP FIFTY (50) NORTH OF RANGE NINE (9) EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN.

APPLICATION NO. 7054

October 1, 1945

S T A T E M E N T

By the Commission:

On August 16, 1945, the Board of County Commissioners of the County of Chaffee, State of Colorado, filed its verified application with this Commission for an order requiring Wilson McCarthy and Henry Swan, Trustees of The Denver and Rio Grande Western Railroad Company to close the present public road crossing which is now located approximately 1300 feet west of Mile Post 216 on the main line of The Denver and Rio Grande Western Railroad Company in Chaffee County, and ordering and directing said Trustees of said Railroad Company to establish a public road crossing, at grade, at the point where the quarter-section line between the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section Thirty (30), Township Fifty (50) North, Range Nine (9) East of the New Mexico Principal Meridian, in said Chaffee County, Colorado, intersects the main line track of The Denver and Rio Grande Railroad Company, which point is approximately 2990 feet west of said Mile Post 216.

Copies of said application were served upon the said Trustees and upon the State Highway Department of the State of Colorado.

A. F. Hewitt, State Highway Engineer, has replied in writing to said application, addressed to the Commission, that the State Highway Department has no jurisdiction over the road in question for the reason that said road is a county road and not a state highway. Inasmuch as the highway in question is a county road, said road is under the jurisdiction of the Board of County Commissioners of Chaffee County, the applicant herein.

Mr. T. R. Woodrow, General Attorney for the Trustees above mentioned, has advised this Commission, in writing, that the Trustees have no objection to the establishment of the grade crossing at the location stated above, provided the present crossing mentioned herein is abandoned, and provided that the applicant will bear the expense of construction and maintenance of the highway to be constructed at the proposed crossing, such expense to include construction and maintenance of said highway to the ends of the ties in the track of said railroad. Mr. Woodrow further advises that the Trustees will bear the expense of constructing and maintaining the crossing planks and the the crossing sign to be constructed at said crossing.

All the parties hereto have consented to the issuance of an order herein upon the record as now made, without the necessity of holding a formal hearing, and the Commission finds that this matter should be disposed of upon said record as now made without the necessity of holding a public hearing.

It appears from the record herein that, at the present crossing, the highway crosses two tracks of the railroad, whereas, at the proposed crossing, the highway will cross but one track, namely, the main line track. While any grade crossing constitutes a hazard to the traveling public, as well as to the railroad itself, yet, where a highway crosses not only a main line but also a side track, the hazards are

necessarily increased. The present crossing constitutes a more hazardous crossing than the proposed crossing. The expense of maintenance which the Trustees are compelled to incur will be less at the proposed crossing than at the present crossing.

The Commission, therefore, finds that the closing and abandonment of the present crossing now located at the point hereinabove described, and the construction of a crossing, at grade, of another crossing in lieu thereof, will promote and safeguard the health and safety of the Trustees' employees and passengers, as well as of the public.

O R D E R

IT IS ORDERED:

That, in compliance with Section 29 of the Public Utilities Act (Section 30, Chapter 137, C. S. A.), Wilson McCarthy and Henry Swan, as Trustees of The Denver and Rio Grande Western Railroad Company, are hereby authorized, ordered, and directed to abandon and close, at their expense, the public highway crossing, at grade, now located at a point approximately one thousand three hundred (1300) feet west of Mile Post 216 on the main line of The Denver and Rio Grande Western Railroad Company in Chaffee County, Colorado.

That, in compliance with said Section 29, the said Trustees are ordered and directed to open and establish a public highway crossing, at grade, at the point where the quarter-section line between the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section Thirty (30), Township Fifty (50), North of Range Nine (9) East of the New Mexico Principal Meridian, in said Chaffee County, Colorado, intersects the main line track of The Denver and Rio Grande Western Railroad Company, which point is approximately two thousand nine hundred ninety (2990) feet west of said Mile Post 216 on said main line of said railroad.

The expense incident to the construction and maintenance of

said highway crossing shall be borne and paid for as follows: The Trustees shall bear and pay for the expense incident to the installing and maintaining of crossing planks and the customary railroad crossing sign at said crossing. The applicant shall bear and pay for constructing and maintaining said highway on each side of said main line track to the ends of the ties in said track.

This order shall become effective ten (10) days after the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 1st day of October, 1945.

EHC

(Decision No. 24988)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD E. HILL, OF TWIN LAKES,)
COLORADO.) PERMIT NO. C-15098
)
)
)

October 9, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edward E. Hill of Twin Lakes, Colorado, requesting that his Permit No. C-15098 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-15098, heretofore issued to Edward E. Hill, be, and the same is hereby, declared cancelled effective m September 9, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Henry P. Thomas

Malcom Erickson

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,

this 9th day of October, 19 45

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(Decision No. 24989)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ATHEL G. GOURE, OF WETMORE,)
COLORADO.) PERMIT NO. C-14884
)
)
)

October 9, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Athel G. Goure of Wetmore, Colorado, requesting that his Permit No. C-14884 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14884, heretofore issued to Athel G. Goure, be, and the same is hereby, declared cancelled effective September 10, 1945.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Sherman

Malcom Erickson

Ralph C. Morton

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1945

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