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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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RE: SUPPLEMENTS NO. 1 AND NO. 2 FILED) MISCELLANEOUS DOCKET
BY AMERICAN BUSLINES, INC. TO ITS TIME) NO. 549
SCHEDULE NO. COPSC SCHEDULE 17-15,)
SCHEDULED TO BECOME EFFECTIVE SEPTEMBER) ORDER OF COMMISSION
6 AND SEPTEMBER 15, 1984, RESPECTIVELY.) REJECTING TIME SCHEDULES

September 5, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 31, 1984, American Buslines, Inc. filed Supplement No. 1 to its Time Schedule No. COPSC Schedule 17-15, scheduled to become effective September 6, 1984.

On September 4, 1984, carrier filed Supplement No. 2 to the same schedule, scheduled to become effective September 15, 1984.

Review of the supplements filed shows that on August 28, 1984, by Decision No. C84-964, in Miscellaneous Docket No. 545, the Commission rejected Time Schedule No. COPSC Schedule 17-15.

Colorado Revised Statute 40-6-111(3) states:
"Any tariff or schedule so rejected by the
Commission shall be void and its use shall be
unlawful."

To comply with PUC rules and regulations, carrier must have either filed new time schedules on thirty days' notice, or filed a petition seeking permission to change time schedules on less than thirty days' notice. Any schedule once rejected by the Commission cannot be extended by supplement.

The Commission finds that the supplements should be rejected for violation of Public Utilities Law.

O R D E R

THE COMMISSION ORDERS:

1. That Supplements No. 1 and No. 2 filed by American Buslines, Inc. to its Time Schedule No. COPSC Schedule 17-15 are rejected.

2. That the time schedule publication necessary to effect the provisions of this Order shall be made and filed with this Commission to be effective no later than September 6, 1984.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 5th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Arden Schmidt

Ronald L. Lehn

Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: THE MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, NEWS AND FILM SERVICE, INC.)
5150 MONROE STREET, DENVER, COLORADO,)
80216, UNDER CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NOS.)
4181&I AND 11129, AND CONTRACT CARRIER)
PERMITS A-4500, AND B-6654.)

CASE NO. 6414
ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

- - - - -
September 5, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted Certificates of Public Convenience and Necessity PUC Nos. 4181&I, and 11129, to conduct certain operations as a common carrier by motor vehicle for hire for the following, to wit:

CERTIFICATE PUC NO. 4181&I

Transportation - on call and demand - of

(1) Motion picture and television film between Denver, Colorado and the Colorado-Oklahoma State Line over U.S. Highway 287, serving all intermediate points and the off-route point of Walsh, Colorado. (2) Data processing reports and materials between Denver, Colorado on the one hand, and Glenwood Springs, Trinidad, Lamar, Springfield and Walsh, Colorado, on the other hand. (3) Processed and unprocessed film and photo supplies (except theatre film) between Denver, Colorado on the one hand, and, on the other, all points in Colorado encompassed in the following area: including all points on the named highways and points within five miles of each; beginning at the Colorado-Kansas State Line, west on U.S. Highway 36 to its junction with U.S. 40 at or near Denver; thence west on U.S. Highway 40 to the Colorado-Utah State Line; thence south on the Colorado-Utah State Line until its junction with U.S. Highway 50; thence east along U.S. Highway 50 to its junction with U.S. Highway 285; thence south along U.S. Highway 285 to the Colorado-New Mexico State Line; thence east along the Colorado-New Mexico State Line

to the Colorado-Kansas State Line; thence north along the Colorado-Kansas State Line to its junction with U.S. Highway 36. (4) TV Guide. From all points in Denver, Colorado to Boulder and Fort Collins, Colorado. (5) Newspapers. Between Denver, Colorado and Boulder, Colorado via the following described routes, serving all intermediate points on said described routes, and the off-route points of Lafayette, Louisville and Broomfield, Colorado: Route 1: I-25 to U.S. Highway 36; Route 2: I-70 to U.S. Highway 287 to U.S. Highway 36; Route 3: I-70 to Colorado Highway 95 to U.S. Highway 36; Route 4: I-70 to Colorado Highway 121 to U.S. Highway 36. (6) Newspapers. Between Denver, Colorado and Fort Collins, Colorado serving all intermediate points on U.S. Highway 287 between Longmont, Colorado and Fort Collins, Colorado, including Longmont, Colorado and Fort Collins, Colorado. (7) Printed matter, except checks, bank drafts, negotiable instruments, securities and interoffice correspondence. (A) between Denver, Colorado and the Colorado-New Mexico State Line over U.S. Highway 85 and 87 and I-25, serving all intermediate points and the off-route points in Canon City and Florence, Colorado; (B) between Denver, Colorado and the Colorado-Oklahoma State Line over U.S. Highway 287, serving all intermediate points and the off-route point of Walsh, Colorado; (C) between Denver, Colorado and the Colorado-Kansas State Line over I-25 and U.S. Highway 50, serving all intermediate points located on U.S. Highway 50 east of Pueblo, Colorado; (D) between Denver, Colorado and all points within five miles thereof, and Grand Junction, Colorado and all points within three miles thereof, over U.S. Highway 6 and 40 and I-70 to Empire Junction; thence over U.S. Highway 6 and I-70 serving all intermediate points and the following off-route points: Empire, Blackhawk, Gold Dust, Central City, and Leadville, Colorado and all points on Colorado Highway 91 between Wheeler Junction and Leadville, and all points on U.S. Highway 24 between Leadville and Dowd, Colorado; (E) between Denver, Colorado and the Colorado-Utah State Line via U.S. Highways 6 and 40 and I-70 to its junction with U.S. Highway 40 near Empire; thence over U.S. Highway 40, serving all intermediate points on U.S. Highway 40 west of Empire; (F) from Denver to Limon via I-25 to Colorado Highway 86; thence over Colorado Highway 86 to Limon, serving all intermediate points on Colorado Highway 86; (G) from Denver, Colorado to Aspen, Colorado via U.S. Highway 6 and I-70 to Glenwood Springs, Colorado; thence over Colorado Highway 82 to Aspen, Colorado, serving all intermediate points on Colorado Highway 82 between Glenwood Springs and Aspen, Colorado; (H) between Denver, Colorado and Del Norte, Colorado, via I-25 to Walsenburg, Colorado, and thence via U.S. Highway 160 to Del Norte, Colorado or via U.S. Highway 285 and U.S. Highway 160, serving all intermediate points on U.S. Highway 160 between Walsenburg, Colorado and Del Norte, Colorado, and serving the off-route points of Center and Salida and those points on U.S. Highway 24 between Leadville, Colorado and U.S. Highway 285 without authority to serve intermediate points on U.S. Highway 285; (I) between Denver, Colorado and Monte Vista, Colorado via U.S. Highway 285 serving all intermediate points and serving all points located on Colorado Highway 17 between its junction with U.S. Highway 285 and Alamosa, Colorado, as off-route points. (8) Authority to use equipment in the State of Colorado as a common interstate carrier between all points in the State of Colorado and the Colorado State boundary lines where all highways cross

same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act 1935, as amended. Restriction: This certificate is restricted as follows: (A) Item (2) of this certificate is restricted against rendering transportation service originating at or terminating at the computer service centers of Public Service Company of Colorado and the Mountain States Telephone and Telegraph Company. (B) Item (3) of this certificate is restricted against rendering of services originating in Denver and terminating in Castle Rock, Colorado Springs and Pueblo or services originating in Castle Rock, Colorado Springs and Pueblo, and destined to Denver. Extended by Decision Number R81-1854 and amended by Decision Number C81-2099.

Transportation - on call and demand - of new and used automotive parts from Denver, Colorado, to all points in the State of Colorado.

CERTIFICATE PUC NO. 11129

Transportation - on schedule - of general commodities between Denver and Greeley, Colorado, over U.S. Highway 85, serving only the following intermediate points: (A) Brighton and points intermediate between Brighton and Denver, and (B) LaSalle and points intermediate between LaSalle and Greeley, service is authorized to all points within a five (5) mile radius of Denver and a five (5) mile radius of Greeley, Colorado (except Eaton). All service in said five (5) mile radius is to be limited to the transportation of general commodities involving a prior or subsequent movement over the presently authorized established route of A.T. Burbridge Truck, Inc. Restrictions: This certificate is restricted (1) against the transportation of commodities of unusual value, Class A and B explosives, used household goods, commodities in bulk, and commodities requiring special equipment; and (2) against interlining shipments with other motor vehicle common carriers.

The above named Respondent was granted contract carrier Permit Nos. A-4500 and B-6654 to conduct certain operations as a contract carrier for hire for the following, to wit:

CONTRACT CARRIER PERMIT NO. A-4500

(1) Newspapers

From Denver to the Kansas State Line over U.S. Highway No. 40 to Limon, Colorado; thence over U.S. Highway No. 24 to the Colorado-Kansas State Line serving all intermediate points.

(2) Newspapers

From the Colorado-Kansas State Line to Denver over U.S. Highway No. 36, serving all intermediate points.

(3) Newspapers

Between Pueblo, Lamar, Eads, and Ordway, Colorado, over U.S. Highway No. 50 to Lamar, thence over U.S. Highway No. 287 to Eads, thence

over U.S. Highway No. 96 to Pueblo, Colorado, serving all intermediate points and the off-route point of Kit Carson, Colorado, and all intermediate points on U.S. Highway No. 385 between Eads and Kit Carson, Colorado.

(4) Newspapers

From Denver, Colorado, to points on U.S. Highway No. 50 east of Pueblo to Lamar; thence over U.S. Highway No. 287 to Eads, thence over U.S. Highway No. 96 to Pueblo, serving all intermediate points and the off-route point of Kit Carson, Colorado, and all intermediate points on U.S. Highway No. 385 between Eads and Kit Carson, Colorado.

RESTRICTION:

Item No. 4 of this Permit is restricted to the rendering of transportation service for only The Rocky Mountain News.

(5) Motion Picture Film

Between Denver, Colorado, Lamar, Eads, and Kit Carson, Colorado, over U.S. Highway No. 85-87 to Pueblo; thence over U.S. Highway No. 50 to Lamar, thence over U.S. Highway No. 287 to Eads and Kit Carson; thence over U.S. Highway No. 40 to Denver serving all intermediate and the off-route point of Cheyenne Wells, Colorado.

RESTRICTION:

Item No. 5 of this Permit is restricted against serving intermediate points on U.S. Highway 85-87 between Denver and Pueblo, Colorado.

(6) Film and Newspapers

From Lamar, Colorado, to the Colorado-Kansas State Line over U.S. Highway No. 50, serving all intermediate points.

(7) Film

From Limon, Colorado, to the Colorado-Kansas State Line over U.S. Highway No. 24, serving all intermediate points.

(8) Newspapers

Between Leadville, Colorado, and Salida, Colorado, over Colorado Highway Nos. 4 and 15, serving all intermediate points.

RESTRICTION:

Item No. 8 of this Permit is restricted to the rendering of transportation service for only The Denver Post, Inc.

(9) Newspapers

From Salida, Colorado, to Denver, Colorado, over U.S. Highway No. 285, serving all intermediate points.

RESTRICTION:

Item No. 9 of this permit is restricted to rendering of transportation service for only The Denver Post, Inc.

(10) Bakery Goods

Between Denver, Colorado, and all points located within an eight (8) mile radius of the intersection of Colfax and Broadway, Denver, Colorado, and Grand Junction, Colorado, and all points located within a five (5) mile radius of the Mesa County Courthouse, Grand Junction, Colorado, over U.S. Highway Nos. 6 and 40 and Interstate Highway No. 70 serving all intermediate points and the off route points of Empire, Black Hawk, Golddust, Central City, Leadville, Colorado, and all points located on Colorado Highway No. 91 between Wheeler Junction and Leadville and all points on U.S. Highway No. 24 between Leadville and Dowd.

RESTRICTION:

Item No. 10 of this Permit is restricted to rendering transportation service for only Star Bread Company.

- (11) Authority to use equipment in the State of Colorado as a Private Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate Commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

CONTRACT CARRIER PERMIT NO. B-6654

Transportation of - (1) Newspapers from Colorado Springs, Colorado to all points in the following counties of the State of Colorado: Fremont, Chaffee, Saguache, Rio Grande and Alamosa. (2) Drugs and related materials and supplies between the facilities of Fox Meyer Drug Co., in Denver, Colorado, and all points in the State of Colorado.

RESTRICTION:

This Permit is restricted as follows: (A) Item No. (1) of this Permit is restricted to service for only the Denver, Inc. (B) Restricted to rendering transportation services for the following named customer only, to wit: Fox Meyer Drug Co., Denver, Colorado. (C) Restricted against the transportation of traffic originating at or destined to: (1) Estes Park, Colorado; (2) Fort Morgan, Colorado; (3) points east of Fort Morgan, Colorado on U.S. Highway Nos. 6 and 138, I-76 and Colorado State Highway No. 176; (4) points within a five (5) mile radius of the intersection of U.S. Highway No. 6 and Colorado State Highway No. 52 in Fort Morgan, Colorado; (5) a five (5) mile radius of the intersection of U.S. Highway Nos. 138 and 385 in Julesburg, Colorado; (6) all points within five (5) miles of the intersection of U.S. Highway Nos. 6 and 385 at Holyoke, Colorado; and (7) all points within one (1) mile of U.S. Highway No. 6 from Sterling to Holyoke, Colorado.

The Staff of the Public Utilities Commission has conducted an investigation relating to the motor vehicle operations of the Respondent under the Certificates of Public Convenience and Necessity and the Contract Carrier Permits as set forth above. Said investigation discloses that the Respondent has engaged in transportation practices that may be in violation of the provisions of Title 40 of the Colorado Revised Statutes, and the rules and regulations of this Commission, to wit:

By providing transportation of automotive parts from points outside of Denver, Colorado to various points in the State of Colorado as enumerated in Appendix "A" attached hereto, that is not within the scope of authority granted in Certificate Nos. PUC 4181&I and PUC 11129, or Contract Carrier Permit Nos. A-4500 and B-6654, and may be in violation of Rule 3(a) of the Rules and Regulations Governing Common Carrier By Motor Vehicle For Hire and/or Contract Carrier Rule Number 5(a) of the Rules and Regulations Governing Contract Carriers By Motor Vehicle For Hire.

On July 17, 1984, pursuant to C.R.S. 24-4-104(3), Harry A. Galligan, Jr., Secretary of the Commission -- and acting upon its behalf -- sent a letter to the Respondent giving Notice of Facts or Conduct that may warrant action by the Commission suspending, revoking, altering or amending Certificates of Public Convenience and Necessity PUC Nos. 4181&I and 11129, and Contract Carrier Permit Nos. A-4500 and B-6654, and affording the Respondent opportunity to submit written data, views and arguments with respect to such facts or conduct.

On August 13, 1984, Respondent submitted certain information in response to Mr. Galligan's letter of July 17, 1984, regarding the proposed Show Cause.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such argument as may be material, to receive evidence from the Staff and any others who may testify, and to determine what order or penalty, if any, shall be imposed by the Commission

O R D E R

THE COMMISSION ORDERS:

1. That the Respondent, News and Film Service, Inc. is directed to appear before the Commission on November 15, 1984 as specifically set forth below, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate; including, but not limited to, a cease and desist order, or if warranted, an order suspending, revoking, altering or amending Certificates of Public Convenience and Necessity PUC Nos. 4181&I and 11129 and Contract Carrier Permits A-4500, and B-6654.

2. That this Case is set for hearing before the Commission, at 9:00 a.m., Logan Tower, Office Level 2, 1580 Logan Street, Denver, Colorado 80203 at November 15, 1984, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

This Order is effective forthwith.

DONE IN THE OPEN MEETING the 5th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andrew Schmitt
Ronald L. Lehn
Commissioners

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APPENDIX A

TRANSPORTATION OF NEW AND USED AUTOMOTIVE PARTS
BY NEWS AND FILM SERVICE, INC. FROM POINTS OUTSIDE
OF DENVER TO OTHER POINTS IN COLORADO, WHICH MAY BE
IN VIOLATION OF THE RULES AND REGULATIONS
GOVERNING COMMON CARRIERS AND/OR CONTRACT
CARRIERS BY MOTOR VEHICLE FOR HIRE

KEY FOR APPENDIX A

NFS - NEWS AND FILM SERVICE, INC.

BOL - BILL OF LADING

CONSIGNOR - SHIPPER AND ORIGIN OF SHIPMENT

CONSIGNEE - DESTINATION OF SHIPMENT

LEDGER NUMBER - REPRESENTS UNIQUE
HISTORICAL ACCOUNTING LEDGER
NUMBER OF PAYOR (CONSIGNEE
OR CONSIGNOR) FOR NFS
TRANSPORTATION SERVICES

CUSTOMER CHECK NUMBER - IS CHECK NUMBER OF
PAYOR (CONSIGNEE OR
CONSIGNOR) FOR NFS
TRANSPORTATION SERVICES,
INITIALS TO LOWER RIGHT
INDICATE WHETHER CHECK
IS CONSIGNOR OR CONSIGNEE
AND REPRESENTS SAME ENTITY
AS LEDGER NUMBER.

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|----------------------------|-----------------------------------|------------|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 1 | Colorado Bumper Pueblo, | Peterson Body Cortez | Auto Parts | 2997 | C30999 | 20.48 | 12-19-83 | 1640 | 9183CB | 1-26-84 |
| 2 | Colorado Bumper Pueblo | Key Chevy Springfield | Auto Parts | 2997 | C31000 | 18.00 | 12-19-83 | 1640 | 9183CB | 1-26-84 |
| 3 | Colorado Bumper Pueblo | Timberline Motors Leadville | Auto Parts | 2997 | C97839 | 17.44 | 12-20-83 | 1640 | 9183CB | 1-26-84 |
| 4 | Colorado Bumper Pueblo, | GA Body Trinidad | Auto Parts | 2997 | C97838 | 17.44 | 12-20-83 | 1640 | 9183CB | 1-26-84 |
| 5 | Colorado Bumper Pueblo | Carradino Body Trinidad | Auto Parts | 2997 | C97837 | 17.44 | 12-20-83 | 1640 | 9183CB | 1-26-84 |
| 6 | Colorado Bumper Pueblo | Terry's Body Eads | Auto Parts | 2997 | C97836 | 17.44 | 12-20-83 | 1640 | 9183CB | 1-26-84 |
| 7 | Colorado Bumper Pueblo | Hudson Chevy Silverthorne | Auto Parts | 2997 | C97835 | 16.87 | 12-20-83 | 1640 | 9183CB | 1-26-84 |
| 8 | Colorado Bumper Pueblo | Bart's Ford Leadville | Auto Parts | 2997 | C97945 | 17.44 | 12-21-83 | 1640 | 9183CB | 1-26-84 |
| 9 | Colorado Bumper Pueblo | Stanek Body Monte Vista | Auto Parts | 2997 | C98465 | 18.00 | 12-27-83 | 1640 | 9183CB | 1-16-84 |
| 10 | Colorado Bumper Pueblo | Noll Wise Gunnison | Auto Parts | 2997 | C98464 | 18.00 | 12-27-83 | 1640 | 9183CB | 1-26-84 |
| 11 | Colorado Bumper Pueblo | Pat's Body Shop La Jara | Auto Parts | 2997 | C98466 | 18.00 | 12-27-83 | 1640 | 9183CB | 1-26-84 |
| 12 | Colorado Bumper Pueblo | Lon's Body Durango | Auto Parts | 2997 | C98467 | 18.56 | 12-27-83 | 1640 | 9183CB | 1-26-84 |
| 13 | Colorado Bumper Pueblo | Downtown Body Salida | Auto Parts | 2997 | C98468 | 19.96 | 12-28-83 | 1640 | 9183CB | 1-26-84 |
| 14 | Lakewood Ford Lakewood | Columbine Body Shop Aspen | Auto Parts | 2999 | C33852 | 18.00 | 12-13-83 | 1750 | 1212CBS | 2-14-84 |
| 15 | Stevenson Chevy Golden | Columbine Body Shop Aspen | Auto Parts | 2999 | C97750 | 18.00 | 12-13-83 | 1750 | 1212CBS | 2-14-84 |
| 16 | Eldorado Tire Englewood | Glenwood Tire Glenwood Springs | Auto Parts | 3021 | C98237 | 25.75 | 12-27-83 | 2950 | 6592GT | 2-21-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date Number | Ledger Number | Customer Check | Date Paid |
|--------|--|--------------------------------------|------------|----------------|------------|--------|----------------------------|------------------|-------------------|-----------|
| 17 | Eldorado Tire Englewood | Glenwood Tire Glenwood Springs | Auto Parts | 3021 | C98624 | 17.44 | 12-29-83 | 2950 | 6592GT | 2-21-84 |
| 18 | Burt Chevrolet Englewood | Terry's Body Shop Eads | Auto Parts | 3257 | C90492 | 17.44 | 1-11-84 | 6700 | 4090TB | 2-10-84 |
| 19 | Phil Long Ford Colorado Springs | Terry's Body Shop Eads | Auto Parts | 3257 | C30788 | 17.44 | 1-11-84 | 6700 | 4090TB | 2-10-84 |
| 20 | Fordland Lakewood | Valley Body Shop Glenwood Springs | Auto Parts | 3262 | C33864 | 17.44 | 1-10-84 | 7000 | 1476VB | 2-21-84 |
| 21 | Fordland Lakewood | Steamboat Auto Steamboat Springs | Auto Parts | 3246 | C33866 | 17.44 | 1-6-84 | 6400 | 3818SAB | 2-15-84 |
| 22 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 360912 | 25.79 | 1-3-84 | 4900 | 41310NP | 2-21-84 |
| 23 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 335071 | 40.33 | 1-5-84 | 4900 | 41310NP | 2-21-84 |
| 24 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 357524 | 29.52 | 1-11-84 | 4900 | 41310NP | 2-21-84 |
| 25 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 345278 | 27.28 | 1-12-84 | 4900 | 41310NP | 2-21-84 |
| 26 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 345231 | 17.44 | 1-16-84 | 4900 | 41310NP | 2-21-84 |
| 27 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 365134 | 26.25 | 1-18-84 | 4900 | 41310NP | 2-21-84 |
| 28 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 365087 | 25.79 | 1-19-84 | 4900 | 41310NP | 2-21-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date Number | Ledger Number | Customer Check | Date Paid |
|--------|--|---------------------------------|------------|----------------|-------------------------------|--------|----------------------------|------------------|-------------------|-----------|
| 29 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 365043 | 17.44 | 1-25-84 | 4900 | 41310NP | 2-21-84 |
| 30 | NAPA 2101 Hwy. 224 Commerce City | Auto Parts Calhan | Auto Parts | 3273 | 360895 | 17.44 | 1-25-84 | 4900 | 41310NP | 2-21-84 |
| 31 | Amoco Oil Co. Dupont | Robert D. Melehdy Frisco | Auto Parts | 3278 | <u>NFS/AMOCO</u> C68843/07 | 28.98 | 1-23-84 | 350 | 3066AMO | 2-27-84 |
| 32 | Amoco Oil Co. Dupont | Winco Oil Alamosa | Auto Parts | 3278 | C66707/561 | 148.92 | 1-16-84 | 350 | 3066AMO | 2-27-84 |
| 33 | Amoco Oil Co. Dupont | El Blanco Monte Vista | Auto Parts | 3278 | C66708/606 | 71.63 | 1-16-84 | 350 | 3066AMO | 2-27-84 |
| 34 | Amoco Oil Co. Dupont | Fred Collett Gypsum | Auto Parts | 3278 | C66442/740 | 19.96 | 1-12-84 | 350 | 3066AMO | 2-27-84 |
| 35 | Amoco Oil Co. Dupont | Sweitzer Oil Gunnison | Auto Parts | 3278 | C66843/761 | 53.77 | 1-19-84 | 350 | 3066AMO | 2-27-84 |
| 36 | Amoco Oil Co. Dupont | J.D. Meinke Craig | Auto Parts | 3278 | C68844/807 | 197.45 | 1-23-84 | 350 | 3066AMO | 2-27-84 |
| 37 | Amoco Oil Co. Dupont | El Blanco Monte Vista | Auto Parts | 3278 | C66844/606 | 27.20 | 1-19-84 | 350 | 3066AMO | 2-27-84 |
| 38 | Amoco Oil Co. Dupont | Winco Alamosa | Auto Parts | 3278 | C68847/636 | 36.19 | 1-23-84 | 350 | 3066AMO | 2-27-84 |
| 39 | Amoco Oil Co. Dupont | Skip's Inc. Glenwood Springs | Auto Parts | 3278 | C69067/964 | 210.13 | 1-25-84 | 350 | 3066AMO | 2-27-84 |
| 40 | Amoco Oil Co. Dupont | C Sterkel Vail | Auto Parts | 3278 | C68845/867 | 38.74 | 1-23-84 | 350 | 3066AMO | 2-27-84 |
| 41 | Amoco Oil Co. Dupont | J.D. Meinke Craig | Auto Parts | 3278 | C69408/864 | 18.00 | 1-27-84 | 350 | 3066AMO | 2-27-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|--------------------------|-------------------------------------|------------|----------------|--------------------------|--------|------------------|------------------|-----------------------------|-----------|
| 42 | Amoco Oil Co. Dupont | Jack's Auto Parts Walden | Auto Parts | 3278 | C69410/83 | 90.93 | 1-27-84 | 350 | 3066AMO | 2-27-84 |
| 43 | Amoco Oil Co. Dupont | Sterkel Vail | Auto Parts | 3278 | C69407/649 | 33.41 | 1-23-84 | 350 | 3066AMO | 2-27-84 |
| 44 | Amoco Oil Co. Dupont | L. J. Zarlingo Grand Junction | Auto Parts | 3278 | C69501/89 | 25.79 | 1-23-84 | 350 | 3066AMO | 2-27-84 |
| 45 | Amoco Oil Co. Dupont | El Blanco Monte Vista | Auto Parts | 3278 | C68846 | 55.09 | 1-23-84 | 350 | 3066AMO | 2-27-84 |
| 46 | Amoco Oil Co. Dupont | L. J. Zarlingo Grand Junction | Auto Parts | 3278 | C69500/923 | 18.00 | 1-30-84 | 350 | 3066AMO | 2-27-84 |
| 47 | Burt Subaru Englewood | Myers Frame & Body Kremmling | Auto Parts | 3294 | C69149/559 | 27.05 | 1-27-84 | 1175 | 4393BS | 2-29-84 |
| 48 | Burt Toyota Englewood | Colorado Paint & Body Alamosa | Auto Parts | 3295 | NFS/BURT C66459(1981) | 18.00 | 1-17-84 | 1200 | 71356BT | 2-23-84 |
| 49 | Burt Toyota Englewood | Berthoud Motors Glenwood Springs | Auto Parts | 3295 | C66460(1982) | 17.44 | 1-17-84 | 1200 | 71356BT | 2-23-84 |
| 50 | Burt Toyota Englewood | Mid Town Paint Pueblo | Auto Parts | 3295 | C66461(1987) | 17.44 | 1-17--84 | 1200 | 71356BT | 2-23-84 |
| 51 | Burt Toyota Englewood | Eagle Auto Body Eagle | Auto Parts | 3295 | C66462(1987) | 17.44 | 1-17-84 | 1200 | 71356BT | 2-23-84 |
| 52 | Burt Toyota Englewood | Central Auto Body Wolcott | Auto Parts | 3295 | C66463(1986) | 19.96 | 1-17-84 | 1200 | 71356BT | 2-23-84 |
| 53 | Burt Toyota Englewood | Coach Works Woodland Park | Auto Parts | 3295 | C66458(1985) | 16.87 | 1-17-84 | 1200 | 71356BT | 2-23-84 |
| 54 | Burt Toyota Englewood | Eldens Colorado Springs | Auto Parts | 3295 | C66457(1988) | 16.87 | 1-17-84 | 1200 | 71356BT | 2-23-84 |
| 55 | Burt Toyota Englewood | Richtone Auto Body Basalt | Auto Parts | 3295 | C66802(1998) | 17.44 | 1-19-84 | 1200 | 71356BT | 2-23-84 |
| 56 | Burt Toyota Englewood | Yampa Body Craig | Auto Parts | 3295 | C66801(1999) | 18.00 | 1-19-84 | 1200 | 71356BT | 2-23-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|--------------------------|--|------------|----------------|--------------------------------|--------|------------------|------------------|-----------------------------|-----------|
| 57 | Burt Toyota Englewood | Hudson Chevy Silverthorn | Auto Parts | 3295 | C66803(2000) | 16.87 | 1-19-84 | 1200 | 71356BT | 2-23-84 |
| 58 | Burt Toyota Englewood | Steamboat Auto Body Steamboat Springs | Auto Parts | 3295 | C66919(1996) | 17.44 | 1-20-84 | 1200 | 71356BT | 2-23-84 |
| 59 | Burt Toyota Englewood | Midtown Paint & Body Pueblo | Auto Parts | 3295 | C66998 | 17.44 | 1-23-84 | 1200 | 71356BT | 2-23-84 |
| 60 | Burt Toyota Englewood | Hudson Chevy Silverthorne | Auto Parts | 3295 | C69152 | 22.62 | 1-27-84 | 1200 | 71356BT | 2-23-84 |
| 61 | Burt Toyota Englewood | Mac's Foreign Durango | Auto Parts | 3295 | C69556 | 18.56 | 1-31-84 | 1200 | 71356BT | 2-23-84 |
| 62 | Burt Toyota Englewood | Hudson Chevy Silverthorne | Auto Parts | 3295 | C91131(1963) | 16.87 | 1-6-84 | 1200 | 71356BT | 2-23-84 |
| 63 | Amoco Oil Co. Dupont | Michael Wickizer Canon City | Auto Parts | 3124 | <u>NFS/AMOCO</u> C90610/280 | 53.35 | 1-3-84 | 350 | 3017AM0 | 2-14-84 |
| 64 | Amoco Oil Co. Dupont | C. Sterkel Vail | Auto Parts | 3124 | C90611/301 | 90.47 | 1-3-84 | 350 | 3017AM0 | 2-14-84 |
| 65 | Amoco Oil Co. Dupont | C. Sterkel Vail | Auto Parts | 3124 | C66647/649 | 472.22 | 1-13-84 | 350 | 3017AM0 | 2-14-84 |
| 66 | Amoco Oil Co. Dupont | Collett Ent. Gypsum | Auto Parts | 3124 | C90989/447 | 18.11 | 1-10-84 | 350 | 3017AM0 | 2-14-84 |
| 67 | Amoco Oil Co. Dupont | C. Sterkel Vail | Auto Parts | 3124 | C90990/537 | 55.61 | 1-10-84 | 350 | 3017AM0 | 2-14-84 |
| 68 | Amoco Oil Co. Dupont | Collett Ent. Gypsum | Auto Parts | 3124 | C90874/520 | 22.62 | 1-9-84 | 350 | 3017AM0 | 2-14-84 |
| 69 | Amoco Oil Co. Dupont | C. Sterkel Vail | Auto Parts | 3124 | C91125/476 | 88.96 | 1-6-84 | 350 | 3017AM0 | 2-14-84 |
| 70 | Amoco Oil Co. Dupont | J. D. Meineke Craig | Auto Parts | 3124 | C91021/429 | 27.20 | 1-5-84 | 350 | 3017AM0 | 2-14-84 |
| 71 | Amoco Oil Co. Dupont | Collett Ent. Gypsum | Auto Parts | 3124 | C91022/447 | 73.12 | 1-5-84 | 350 | 3017AM0 | 2-14-84 |
| 72 | Amoco Oil Co. Dupont | El Blanco Monte Vista | Auto Parts | 3124 | C90782/392 | 77.34 | 1-4-84 | 350 | 3017AM0 | 2-14-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 73 | Amoco Oil Co. Dupont | Wiginton Oil Meeker | Auto Parts | 3124 | <u>NFS/AMOCO</u> C90783/327 | 27.20 | 1-4-84 | 350 | 3017 _{AMO} | 2-14-84 |
| 74 | Amoco Oil Co. Dupont | Simpson Oil Canon City | Auto Parts | 3124 | C90784/344 | 25.79 | 1-4-84 | 350 | 3017 _{AMO} | 2-14-84 |
| 75 | Amoco Oil Co. Dupont | Robert Melendy Frisco | Auto Parts | 3124 | C90785/398 | 18.11 | 1-4-84 | 350 | 3017 _{AMO} | 2-14-84 |
| 76 | Amoco Oil Co. Dupont | Airport Auto Aspen | Auto Parts | 3124 | C90781/421 | 137.78 | 1-4-84 | 350 | 3017 _{AMO} | 2-14-84 |
| 77 | Ajax Warehouse Englewood | T and H Parts Hayden | Auto Parts | 3097 | C98356 | 24.54 | 12-28-83 | 6600 | 3456 _{TH} | 12-31-83 |
| 78 | Stevinson Datsun Boulder | Tri State Body Shop Lamar | Auto Parts | 3093 | C97773 | 18.00 | 12-19-83 | 6425 | 9680 _{SD} | 1-31-84 |
| 79 | Stevinson Datsun Boulder | LM Body Shop Alamosa | Auto Parts | 3093 | C97968 | 18.00 | 12-21-83 | 6425 | 9680 _{SD} | 1-31-84 |
| 80 | Burt Subaru Englewood | Myers Frame & Body Kremmling | Auto Parts | 3065 | C74360 | 17.44 | 12-5-83 | 4875 | 3999 _{MF} | 1-31-84 |
| 81 | Burt Subaru Englewood | Myers Frame & Body Kremmling | Auto Parts | 3065 | C32655 | 17.44 | 12-28-83 | 4875 | 3999 _{MF} | 1-31-84 |
| 82 | Burt Subaru Englewood | Myers Frame & Body Kremmling | Auto Parts | 3065 | C98718 | 17.44 | 12-30-83 | 4875 | 3999 _{MF} | 1-31-84 |
| 83 | Northwest Auto Thornton | Lon's Auto Durango | Auto Parts | 3068 | C34541 | 18.00 | 12-29-83 | 5050 | 53271 _{NW} | 1-24-84 |
| 84 | Burt Subaru Englewood | Peraus Auto Glenwood Springs | Auto Parts | 3076 | C97777 | 17.44 | 12-19-83 | 5450 | 2684 _{PR} | 1-31-84 |
| 85 | Burt Subaru Englewood | Peraus Auto Glenwood Springs | Auto Parts | 3076 | C98010 | 17.44 | 12-21-83 | 5450 | 2684 _{PR} | 1-31-84 |
| 86 | Burt Subaru Englewood | Peraus Auto Glenwood Springs | Auto Parts | 3076 | C98142 | 17.44 | 12-23-83 | 5450 | 2684 _{PR} | 1-31-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 87 | Burt Subaru Englewood | Peraus Auto Glenwood Springs | Auto Parts | 3076 | C98141 | 17.44 | 12-23-83 | 5450 | 2684PR | 1-31-84 |
| 88 | Burt Subaru Englewood | Randy's Body Shop Granby | Auto Parts | 3078 | C98239 | 16.87 | 12-27-83 | 5625 | 4879RBS | 2-23-84 |
| 89 | Burt Subaru Englewood | Randy's Body Shop Granby | Auto Parts | 3078 | C22517 | 16.87 | 12-28-83 | 5625 | 4879RBS | 2-23-84 |
| 90 | Monarch Motors Littleton | Eagle Auto Body Eagle | Auto Parts | 3057 | C97696 | 17.44 | 12-16-83 | 4600 | 50886MM | 3-7-84 |
| 91 | Monarch Motors Littleton | Eagle Auto Body Eagle | Auto Parts | 3057 | C98006 | 17.44 | 12-21-83 | 4600 | 50886MM | 3-7-84 |
| 92 | Burt Subaru Englewood | Morehart Chevrolet Durango | Auto Parts | 3060 | C98719 | 18.56 | 12-30-83 | 4700 | 28970MC | 12-29-83 |
| 93 | Aurora Crown Aurora | Holland Auto Parts Glenwood Springs | Auto Parts | 3028 | C39728 | 32.40 | 12-30-83 | 3425 | 13065HA | 1-24-84 |
| 94 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3041 | C31257 | 16.87 | 12-6-83 | 3815 | 4762KF | 1-20-84 |
| 95 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3041 | C31280 | 16.87 | 12-15-83 | 3815 | 4762KF | 1-20-84 |
| 96 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3041 | C31291 | 16.87 | 12-21-83 | 3815 | 4762KF | 1-20-84 |
| 97 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3041 | C98290 | 16.87 | 12-28-83 | 3815 | 4762KF | 1-20-84 |
| 98 | Burt Toyota Englewood | Hayden Auto Body Hayden | Auto Parts | 3717 | C79228 | 17.44 | 2-16-84 | 1200 | 72057BT | 3-14-84 |
| 99 | Burt Toyota Englewood | Breckenridge Auto Body Breckenridge | Auto Parts | 3717 | C79250 | 16.87 | 2-16-84 | 1200 | 72057BT | 3-14-84 |
| 100 | Burt Toyota Englewood | Steamboat Auto Plaza Steamboat Springs | Auto Parts | 3717 | C79285 | 17.44 | 2-17-84 | 1200 | 72057BT | 3-14-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 101 | Burt Toyota Englewood | Carroll Motors Brush | Auto Parts | 3717 | C79413 | 16.87 | 2-20-84 | 1200 | 72057BT | 3-14-84 |
| 102 | Burt Toyota Englewood | Steamboat Auto Plaza Steamboat Springs | Auto Parts | 3717 | C79386 | 17.44 | 2-20-84 | 1200 | 72057BT | 3-14-84 |
| 103 | Burt Toyota Englewood | Harris Brothers La Junta | Auto Parts | 3717 | C79387 | 17.44 | 2-20-84 | 1200 | 72057BT | 3-14-84 |
| 104 | Burt Toyota Englewood | Eagle Auto Eagle | Auto Parts | 3717 | C79574 | 19.96 | 2-22-94 | 1200 | 72057BT | 3-14-84 |
| 105 | Burt Toyota Englewood | Midtown Paint Pueblo | Auto Parts | 3717 | C61262 | 19.96 | 2-24-84 | 1200 | 72057BT | 3-14-84 |
| 106 | Burt Toyota Englewood | Hudson Silverthorn | Auto Parts | 3717 | C79846 | 17.87 | 2-27-84 | 1200 | 72057BT | 3-14-84 |
| 107 | Burt Toyota Englewood | Bighorn Motors Glenwood Springs | Auto Parts | 3717 | C79847 | 17.44 | 2-27-84 | 1200 | 72057BT | 3-14-84 |
| 108 | Burt Toyota Englewood | Auto Body & U Paint Steamboat Springs | Auto Parts | 3717 | C61394 | 17.44 | 2-27-84 | 1200 | 72057BT | 3-14-84 |
| 109 | Burt Toyota Englewood | Walters Auto Body Pagosa Springs | Auto Parts | 3717 | C61393 | 18.00 | 2-27-84 | 1200 | 72057BT | 3-14-84 |
| 110 | Burt Toyota Englewood | Carmony Carbody Montrose | Auto Parts | 3717 | C80065 | 18.60 | 2-28-84 | 1200 | 72057BT | 3-14-84 |
| 111 | Burt Toyota Englewood | Harris Brothers La Junta | Auto Parts | 3717 | C80098 | 17.44 | 2-29-84 | 1200 | 72057BT | 3-14-84 |
| 112 | Stevinson Datsun Boulder | Collison Dynamics Steamboat Springs | Auto Parts | 3699 | C79243 | 17.44 | 2-16-84 | 6425 | 10425SD | 4-2-84 |
| 113 | Stevinson Toyota Lakewood | Keezee Motor Co. Cortez | Auto Parts | 3700 | C95758 | 17.44 | 2-15-84 | 6450 | 12882ST | 3-15-84 |
| 114 | Aurora Crown Lakewood | Overton Brothers Meeker | Auto Parts | 3681 | C60408 | 17.44 | 2-21-84 | 5150 | 11930B | 4-16-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 115 | Aurora Crown Aurora | Overton Brothers Granby | Auto Parts | 3681 | C60412 | 18.00 | 2-24-84 | 5150 | 1193 _{OB} | 4-16-84 |
| 116 | Colorado AMC Aurora | Randy's Auto Body Granby | Auto Parts | 3688 | C22528 | 16.87 | 2-20-84 | 5625 | 4933 _{RAB} | 3-14-84 |
| 117 | Burt Chevrolet Englewood | Randy's Auto Body Granby | Auto Parts | 3688 | C61131 | 16.87 | 2-23-84 | 5625 | 4933 _{RAB} | 3-14-84 |
| 118 | Burt Subaru Englewood | Randy's Auto Body Granby | Auto Parts | 3688 | C69276 | 16.87 | 2-24-84 | 5625 | 4933 _{RAB} | 3-14-84 |
| 119 | Burt Chevrolet Englewood | Randy's Auto Body Granby | Auto Parts | 3688 | C61263 | 16.87 | 2-24-84 | 5625 | 4933 _{RAB} | 3-14-84 |
| 120 | Burt Chevrolet Englewood | Randy's Auto Body Granby | Auto Parts | 3688 | C69274 | 16.87 | 2-28-84 | 5625 | 4933 _{RAB} | 3-14-84 |
| 121 | Eagle Imports Englwood | Ken's Foreign Colorado Springs | Auto Parts | 2877 | 2877 | 101.22 | 12-27-83 | 3815 | 4719 _{KF} | 1-6-84 |
| 122 | Burt Subaru Englewood | L&M Body Shop Alamosa | Auto Parts | 2882 | C30794 | 18.00 | 12-12-83 | 3960 | 6571 _{LM} | 1-30-84 |
| 123 | Academy Ford Englewood | L&M Body Shop Alamosa | Auto Parts | 2882 | C74478 | 18.00 | 12-6-83 | 3960 | 6571 _{LM} | 1-30-84 |
| 124 | Leo Payne Lakewood | Johnson Pontiac Colorado Springs | Auto Parts | 2884 | C4242 | 16.87 | 12-9-83 | 4125 | 34988 _{LP} | 1-27-84 |
| 125 | Leo Payne Lakewood | Eagle Auto Body Eagle | Auto Parts | 2884 | C4245 | 24.54 | 12-17-83 | 4125 | 34988 _{LP} | 1-27-84 |
| 126 | Aurora Crown Aurora | Main Automotive Limon | Auto Parts | 2887 | C39717 | 23.74 | 12-6-83 | 4275 | 19753 _{MA} | 1-12-84 |
| 127 | Burt Chevrolet Englewood | Morehart Chevrolet Durango | Auto Parts | 2892 | C32664 | 75.35 | 12-8-83 | 4700 | 29045 _{MC} | 1-17-84 |
| 128 | Northwest Auto Thornton | Lon's Auto Durango | Auto Parts | 2902 | C34538 | 37.12 | 12-13-83 | 5050 | 52560 _{NA} | 1-6-84 |
| 129 | Osborn Chevrolet Aurora | Classic Auto Body Ft. Morgan | Auto Parts | 2903 | C72665 | 16.87 | 12-8-83 | 5125 | 49686 _{OC} | 1-18-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 130 | Burt Subaru Englewood | Peraus Auto Glenwood Springs | Auto Parts | 2913 | C30705 | 17.44 | 12-13-83 | 5450 | 2647 _{PA} | 1-30-84 |
| 131 | Burt Subaru Englewood | Peraus Auto Glenwood Springs | Auto Parts | 2913 | C73339 | 17.44 | 12-14-83 | 5450 | 2647 _{PA} | 1-30-84 |
| 132 | Lakewood Ford Lakewood | Valley Body Shop Glenwood Springs | Auto Parts | 2946 | C33923 | 17.44 | 12-9-83 | 7000 | 1417 _{VB} | 1-24-84 |
| 133 | Amoco Oil Co. Dupont | J. Adams Aspen | Auto Parts | 2962 | <u>NFS/AMOCO</u> C73321/465 | 122.85 | 12-14-83 | 350 | 2729 _{AM} | 1-26-84 |
| 134 | Amoco Oil Co. Dupont | Collett Ent. Gypsum | Auto Parts | 2962 | C97806/965 | 24.54 | 12-19-83 | 350 | 2729 _{AM} | 1-26-84 |
| 135 | Amoco Oil Co. Dupont | Sterkel Vail | Auto Parts | 2962 | C97886/990 | 17.44 | 12-20-83 | 350 | 2729 _{AM} | 1-26-84 |
| 136 | Amoco Oil Co. Dupont | J.D. Meineke Craig | Auto Parts | 2962 | C98269/039 | 26.01 | 12-27-83 | 350 | 2729 _{AM} | 1-26-84 |
| 137 | Amoco Oil Dupont | Wicker Canon City | Auto Parts | 2962 | C98270/073 | 52.57 | 12-28-83 | 350 | 2729 _{AM} | 1-26-84 |
| 138 | Amoco Oil Dupont | El Blanco Monte Vista | Auto Parts | 2962 | C98323/858 | 26.06 | 12-28-83 | 350 | 2729 _{AM} | 1-26-84 |
| 139 | Burt Toyota, Inc. Englewood | Carmody Car Body's Montrose | Auto Parts | 2988 | <u>NFS/Burt</u> C97909/1902 | 18.00 | 12-20-83 | 1200 | 70469 _{BT} | 1-24-84 |
| 140 | Burt Toyota, Inc. Englewood | Craig Ford Craig | Auto Parts | 2988 | C97910/1912 | 18.00 | 12-20-83 | 1200 | 70469 _{BT} | 1-24-84 |
| 141 | Burt Toyota, Inc. Englewood | Craig Ford Craig | Auto Parts | 2988 | C97910/1912 | 6.73 | 12-20-83 | 1200 | 70469 _{BT} | 1-24-84 |
| 142 | Burt Toyota, Inc. Englewood | Jim Hudson Silverthorn | Auto Parts | 2988 | C98009/1914 | 18.11 | 12-21-83 | 1200 | 70469 _{BT} | 1-24-84 |

| Number | Consignor | Consignee | Commodity |
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| 143 | Burt Toyota, Inc. Englewood | Midtown Paint Pueblo | Auto Parts |
| 144 | Burt Toyota, Inc. Englewood | Randy's Auto Granby | Auto Parts |
| 145 | Burt Toyota, Inc. Englewood | Choice City Auto Ft. Collins | Auto Parts |
| 146 | Burt Toyota, Inc. Englewood | Vidmar Mathis Pueblo | Auto Parts |
| 147 | Burt Toyota, Inc. Englewood | Orlies Body Shop Burlington | Auto Parts |
| 148 | Burt Toyota, Inc. Englewood | Jim Hudson Silverthorne | Auto Parts |
| 149 | Burt Toyota, Inc. Englewood | Breckenridge Auto Breckenridge | Auto Parts |
| 150 | Burt Toyota, Inc. Englewood | Hayden Auto Body Hayden | Auto Parts |
| 151 | Burt Toyota, Inc. Englewood | Colorado Paint Alamosa | Auto Parts |
| 152 | Burt Toyota, Inc. Englewood | Top Quality Grand Junction | Auto Parts |
| 153 | AA Auto Commerce City | Caps Auto Supply Aspen | Auto Parts |
| 154 | Burt Subaru Englewood | Jesse's Tire and Body Edwards | Auto Parts |
| 155 | Burt Subaru Englewood | Jesse's Tire and Body Edwards | Auto Parts |
| 156 | Lakewood Ford Lakewood | Red Canyon Auto Glenwood Springs | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 2988 | <u>NFS/Burt</u> C97911/1906 | 17.44 | 12-20-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98008/1913 | 18.11 | 12-21-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98081/1918 | 16.87 | 12-22-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98082/1919 | 17.44 | 12-22-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98240/1923 | 24.54 | 12-27-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98355/1929 | 16.87 | 12-28-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98354/1932 | 24.04 | 12-28-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98646/1936 | 17.44 | 12-29-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98647/1935 | 18.00 | 12-29-83 | 1200 | 70469BT | 1-24-84 |
| 2988 | C98717/1941 | 18.00 | 12-30-83 | 1200 | 70469BT | 1-24-84 |
| 2990 | C30894 | 18.00 | 12-19-83 | 1350 | 5760CAS | 2-14-84 |
| 3191 | C90494 | 24.54 | 1-10-84 | 3650 | 4163JT | 2-10-84 |
| 3191 | C90841 | 17.44 | 1-9-84 | 3650 | 4163JT | 2-10-84 |
| 2202 | C33863 | 24.17 | 1-4-84 | 3975 | 82374LF | 2-27-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 157 | Aurora Crown Aurora | Main Auto Limon | Auto Parts | 3208 | C39731 | 43.57 | 1-12-84 | 4275 | 19850MA | 2-14-84 |
| 158 | Northwest Auto Thornton | Bayfield Auto Body Bayfield | Auto Parts | 3222 | C34525 | 18.56 | 1-4-84 | 5050 | 53603NW | 1-31-84 |
| 159 | Northwest Auto Thornton | Lon's Auto Body Bayfield | Auto Parts | 3222 | C34524 | 18.56 | 1-4-84 | 5050 | 53603NW | 1-31-84 |
| 160 | Northwest Auto Thornton | Lon's Auto Durango | Auto Parts | 3222 | C34542 | 18.56 | 1-4-84 | 5050 | 53603NW | 1-31-84 |
| 161 | Northwest Auto Thornton | RRR Foreign Auto Basalt | Auto Parts | 3222 | C90988 | 17.44 | 1-10-84 | 5050 | 53603NW | 1-31-84 |
| 162 | Northwest Auto Thornton | Des Body Shop Akron | Auto Parts | 3222 | C91249 | 17.44 | 1-11-84 | 5050 | 53603NW | 1-31-84 |
| 163 | Burt Toyota Englewood | Auto Body and Paint Steamboat Springs | Auto Parts | 3143 | C90651 | 17.44 | 1-1-84 | 1200 | 70699BT | 1-30-84 |
| 164 | Burt Toyota Englewood | Jesse's Auto Body Edwards | Auto Parts | 3143 | C90652 | 17.44 | 1-3-84 | 1200 | 70699BT | 1-30-84 |
| 165 | Burt Toyota Englewood | Lon's Auto Durango | Auto Parts | 3143 | C91338 | 18.56 | 1-12-84 | 1200 | 70699BT | 1-30-84 |
| 166 | Burt Toyota Englewood | Colorado Paint and Body Alamosa | Auto Parts | 3143 | C91339 | 18.00 | 1-12-84 | 1200 | 70699BT | 1-30-84 |
| 167 | Burt Toyota Englewood | Berthoud Motors Glenwood Springs | Auto Parts | 3143 | C91340-1 | 34.88 | 1-12-84 | 1200 | 70699BT | 1-30-84 |
| 168 | Burt Toyota Englewood | Myers Body Kremmling | Auto Parts | 3143 | C91342 | 17.44 | 1-12-84 | 1200 | 70699BT | 1-30-84 |
| 169 | Burt Toyota Englewood | Hudson Silverthorne | Auto Parts | 3143 | C91343 | 16.87 | 1-12-84 | 1200 | 70699BT | 1-30-84 |
| 170 | Burt Toyota Englewood | Hunter Bros. Durango | Auto Parts | 3143 | C91345 | 50.72 | 1-10-84 | 1200 | 70699BT | 1-30-84 |
| 171 | Burt Toyota Englewood | The Body Shop Pagosa Springs | Auto Parts | 3143 | C91344 | 18.00 | 1-10-84 | 1200 | 70699BT | 1-30-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 172 | Burt Toyota Englewood | Mid Town Paint Pueblo | Auto Parts | 3143 | C90969 | 17.44 | 1-10-84 | 1200 | 70699BT | 1-30-84 |
| 173 | Burt Toyota Englewood | Hightone Auto Basalt | Auto Parts | 3143 | C90970 | 17.44 | 1-10-84 | 1200 | 70699BT | 1-30-84 |
| 174 | Burt Toyota Englewood | Lon's Auto Durango | Auto Parts | 3143 | C91129 | 18.56 | 1-6-84 | 1200 | 70699BT | 1-30-84 |
| 175 | Burt Toyota Englewood | Mid Town Paint Pueblo | Auto Parts | 3143 | C91130 | 17.44 | 1-6-84 | 1200 | 70699BT | 1-30-84 |
| 176 | Burt Toyota Englewood | Hayden Auto Body Hayden | Auto Parts | 3143 | C90723 | 17.44 | 1-4-84 | 1200 | 70699BT | 1-30-84 |
| 177 | C&E Auto Part Pueblo | Cattle Creek Auto Glenwood Springs | Auto Parts | 3145 | C98565 | 17.44 | 12-27-83 | 1425 | 8120CC | 2-24-84 |
| 178 | Westside Auto Ft. Morgan | Cattle Creek Auto Glenwood Springs | Auto Parts | 3145 | C90792 | 19.96 | 1-5-84 | 1425 | 8120CC | 2-24-84 |
| 179 | European Auto Littleton | Cattle Creek Auto Glenwood Springs | Auto Parts | 3145 | C33938 | 24.54 | 1-9-84 | 1425 | 8120CC | 2-24-84 |
| 180 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3145 | C31324 | 17.44 | 1-9-84 | 1425 | 8120CC | 2-24-84 |
| 181 | ABZ Trucking Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3145 | C91269 | 27.00 | 1-11-84 | 1425 | 8120CC | 2-24-84 |
| 182 | Colorado Bumper Pueblo | Dawn Motor Trinidad | Auto Parts | 3149 | C98473 | 17.44 | 12-30-83 | 1640 | 9183CB | 1-26-84 |
| 183 | Colorado Bumper Pueblo | Leadville Body Shop Trinidad | Auto Parts | 3149 | C91385 | 19.96 | 1-12-84 | 1640 | 9183CB | 1-26-84 |
| 184 | Colorado Bumper Pueblo | Chet's Body Shop Delta | Auto Parts | 3149 | C98482 | 18.00 | 1-11-84 | 1640 | 9183CB | 1-26-84 |
| 185 | Colorado Bumper Pueblo | Martin's Body Shop Delta | Auto Parts | 3149 | C98481 | 18.00 | 1-11-84 | 1640 | 9183CB | 1-26-84 |

| Number | Consignor | Consignee | Commodity |
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| 186 | Colorado Bumper Pueblo | Staneck Body Shop Monte Vista | Auto Parts |
| 187 | Colorado Bumper Pueblo | Carroll Motors Durango | Auto Parts |
| 188 | Colorado Bumper Pueblo | Terry's Body Shop Eads | Auto Parts |
| 189 | Colorado Bumper Pueblo | Hank's Body Shop Cortez | Auto Parts |
| 190 | Colorado Bumper Pueblo | Freyta Garage Trinidad | Auto Parts |
| 191 | Colorado Bumper Pueblo | Hascall & Haines Salida | Auto Parts |
| 192 | Tynan Volkswagen Aurora | Collision Dynamics Steamboat Springs | Auto Parts |
| 193 | Burt Subaru/Chev. Englewood | Valley Body Shop Glenwood Springs | Auto Parts |
| 194 | Burt Subaru/Chev. Englewood | Valley Body Shop Glenwood Springs | Auto Parts |
| 195 | Burt Subaru/Chev Englewood | Valley Body Shop Glenwood Springs | Auto Parts |
| 196 | Burt Subaru/Chev. Englewood | Valley Body Shop Glenwood Springs | Auto Parts |
| 197 | Burt Subaru/Chev Englewood | Valley Body Shop Glenwood Springs | Auto Parts |
| 198 | Burt Subaru/Chev Englewood | Valley Body Shop Glenwood Springs | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 3149 | C98479 | 18.00 | 1-11-84 | 1640 | 9183CB | 1-26-84 |
| 3149 | C98480 | 18.56 | 1-11-84 | 1640 | 9183CB | 1-26-84 |
| 3149 | C98478 | 17.44 | 1-10-84 | 1640 | 9183CB | 1-26-84 |
| 3149 | C98477 | 18.56 | 1-9-84 | 1640 | 9183CB | 1-26-84 |
| 3149 | C98474 | 17.44 | 1-4-84 | 1640 | 9183CB | 1-26-84 |
| 3149 | C98475 | 17.44 | 1-4-84 | 1640 | 9183CB | 1-26-84 |
| 3425 | C30730 | 17.44 | 1-19-84 | 6900 | 33893TU | 2-15-84 |
| 3426 | C90593 | 17.44 | 1-15-84 | 7000 | 1533VB | 3-30-84 |
| 3426 | C66719 | 17.44 | 1-16-84 | 7000 | 1533VB | 3-30-84 |
| 3426 | C95204 | 17.44 | 1-25-84 | 7000 | 1533VB | 3-30-84 |
| 3426 | C95203 | 17.44 | 1-27-84 | 7000 | 1533VB | 3-30-84 |
| 3426 | C69121 | 17.44 | 1-26-84 | 7000 | 1533VB | 3-30-84 |
| 3426 | C69583 | 17.44 | 1-31-84 | 7000 | 1533VB | 3-30-84 |

| Number | Consignor | Consignee | Commodity |
|--------|------------------------------------|---------------------------------------|------------|
| 199 | Leo Payne Englewood | Victory Motors Craig | Auto Parts |
| 200 | Panther Tire Englewood | Victory Motors Craig | Auto Parts |
| 201 | Roger Mauro Littleton | McCall's Service Grand Junction | Auto Parts |
| 202 | Mesa Auto Grand Junction | Steamboat Auto Steamboat Springs | Auto Parts |
| 203 | South Side Auto Montrose | Red Canyon Trucks Glenwood Springs | Auto Parts |
| 204 | Harris Auto Glenwood Springs | Red Canyon Trucks Glenwood Springs | Auto Parts |
| 205 | Harris Auto Glenwood Springs | Red Canyon Trucks Glenwood Springs | Auto Parts |
| 206 | Eagle Imports Glenwood Springs | Red Canyon Trucks Glenwood Springs | Auto Parts |
| 207 | Stewart/Stevenson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts |
| 208 | Turnpike Ford Boulder | DeHerrera Auto La Jara | Auto Parts |
| 209 | Detroit Transm. Arvada | American Eagle Eagle | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 3428 | C69186 | 18.00 | 1-27-84 | 7050 | 7140 _{VM} | 2-17-84 |
| 3428 | C32157 | 20.48 | 1-30-84 | 7050 | 7140 _{VM} | 2-27-84 |
| 2105 | C31474 | 20.48 | 1-3-84 | 4590 | 6608 _{RM} | 1-26-84 |
| 2106 | C66653 | 17.44 | 1-13-84 | 4665 | 17829 _{MA} | 2-10-84 |
| 2113 | C66671 | 17.44 | 1-13-84 | 6875 | 1355 _{RC} | 1-20-84 |
| 2113 | C91286 | 27.00 | 1-11-84 | 6875 | 1433 _{RC} | 3-05-84 |
| 2113 | C91386 | 19.96 | 1-12-84 | 6875 | 1378 _{RC} | 3-05-84 |
| 2113 | C91485 | 17.44 | 1-12-84 | 6875 | 1433 _{RC} | 3-05-84 |
| 2118 | C90699 | 31.58 | 1-4-84 | 7275 | 7550 _{SS} | 2-14-84 |
| 2120 | C14531 | 17.44 | 1-5-84 | 7560 | 1283 _{TF} | 1-31-84 |
| 2056 | C91253 | 26.69 | 1-11-84 | 1425 | 2146 _{AE} | 1-19-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|---------------------------------|--|------------|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 210 | Northwest Welding Arvada | C&M Auto Trinidad | Auto Parts | 2069 | C91093 | 17.44 | 1-6-84 | 4955 | 2442NW | 1-31-84 |
| 211 | Westminster Auto Westminster | BSR Auto Rifle | Auto Parts | 2083 | C31759 | 19.96 | 1-5-84 | 360 | 3512BSR | 1-31-84 |
| 212 | A-1 Auto Commerce City | Vail Exxon Vail | Auto Parts | 2125 | C66783 | 24.54 | 1-17-84 | 60 | 7637AAE | 2-14-84 |
| 213 | A-1 Auto Commerce City | Lamar Starter Lamar | Auto Parts | 2125 | C69182 | 65.89 | 1-27-84 | 60 | 7637AAE | 2-14-84 |
| 214 | A-1 Auto Commerce City | Lamar Starter Lamar | Auto Parts | 2125 | C66560 | 30.87 | 1-18-84 | 60 | 7637AAE | 2-14-84 |
| 215 | Burt Chevrolet Englewood | Academy Ford Colorado Springs | Auto Parts | 2127 | C69122 | 16.87 | 1-26-84 | 99 | 44939AF | 2-17-84 |
| 216 | Amsoil Englewood | Clive Johnson Paonia | Auto Parts | 2131 | C66550 | 27.77 | 1-18-84 | 165 | 16935AMS | 3-5-84 |
| 217 | Eagle Imports Englewood | Harris Truck Colorado Springs | Auto Parts | 2166 | C91512 | 16.87 | 1-24-84 | 2681 | 3190HT | 2-21-84 |
| 218 | Eagle Imports Englewood | Harris Truck Colorado Springs | Auto Parts | 2166 | C91518 | 16.87 | 1-26-84 | 2681 | 3190HT | 2-21-84 |
| 219 | Eagle Imports Englewood | Harris Truck Colorado Springs | Auto Parts | 2166 | C31331 | 16.87 | 1-30-84 | 2681 | 3190HT | 2-21-84 |
| 220 | Osborn AMC Thornton | Moore's Auto Body Grand Junction | Auto Parts | 2182 | C91013 | 18.00 | 1-5-84 | 5575 | 1409OA | 3-14-84 |
| 221 | Osborn AMC Thornton | Lon's Auto Durango | Auto Parts | 2182 | C91332 | 30.24 | 1-12-84 | 5575 | 1409OA | 3-14-84 |
| 222 | Osborn AMC Thornton | Craig's Auto Body Craig | Auto Parts | 2182 | C95383 | 18.00 | 1-18-84 | 5575 | 1409OA | 3-14-84 |
| 223 | Osborn AMC Thornton | Leadville Auto Body Leadville | Auto Parts | 2182 | C95398 | 17.44 | 1-26-84 | 5575 | 1409OA | 3-14-84 |
| 224 | Osborn AMC Thornton | Steamboat Auto Body Steamboat Springs | Auto Parts | 2182 | C95399 | 19.96 | 1-26-84 | 5575 | 1409OA | 3-14-84 |
| 225 | Roger Mauro Littleton | Hascall Haines Salida | Auto Parts | 2194 | C31477 | 17.44 | 1-23-84 | 4590 | 6889RM | 2-21-84 |
| 226 | Roger Mauro Littleton | Valley Body Glenwood Springs | Auto Parts | 2194 | C31478 | 17.44 | 1-24-84 | 4590 | 6889RM | 2-21-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|---------------------------------------|--|------------|----------------|---------------------------------|--------|------------------|------------------|-----------------------------|-----------|
| 227 | Roger Mauro Littleton | Craig Body Craig | Auto Parts | 2194 | C31480 | 18.00 | 1-27-84 | 4590 | 6889 _{RM} | 2-21-84 |
| 228 | Roger Mauro Littleton | Berthoud Motors Glenwood Springs | Auto Parts | 2194 | C31484 | 19.96 | 1-20-84 | 4590 | 6889 _{RM} | 2-21-84 |
| 229 | Roger Mauro Littleton | Meads Classic Motors Grand Junction | Auto Parts | 2194 | C31476 | 18.00 | 1-19-84 | 4590 | 6889 _{RM} | 2-21-84 |
| 230 | NAPA 2101 Hwy 224 Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | <u>NFS/NAPA</u> 332882/24921 | 38.45 | 12-1-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 231 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 104290/24919 | 24.21 | 12-2-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 232 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 33795/24915 | 35.60 | 12-5-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 233 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 111353/24911 | 27.06 | 12-7-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 234 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 31861/24908 | 23.74 | 12-7-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 235 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 111314/24906 | 22.62 | 12-9-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 236 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 110974/24904 | 29.90 | 12-12-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 237 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 31828/34470 | 48.42 | 12-13-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 238 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 111283/34468 | 109.65 | 12-14-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 239 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 122337/34467 | 51.26 | 12-15-83 | 4900 | 40976 _{NP} | 1-24-84 |
| 240 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 113139/34464 | 61.23 | 12-16-83 | 4900 | 40976 _{NP} | 1-24-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|-----------------------|--------------------------------------|------------|----------------|--------------|--------|------------------|------------------|-----------------------------|-----------|
| 241 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 122291/34460 | 159.49 | 12-19-83 | 4900 | 40976NP | 1-24-84 |
| 242 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 118997/34462 | 23.74 | 12-20-83 | 4900 | 40976NP | 1-24-84 |
| 243 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 113053/3445 | 79.74 | 12-21-83 | 4900 | 40976NP | 1-24-84 |
| 244 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 338352/34457 | 58.38 | 12-22-83 | 4900 | 40976NP | 1-24-84 |
| 245 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 113061/34455 | 69.78 | 12-27-83 | 4900 | 40976NP | 1-24-84 |
| 246 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 113075/25588 | 27.81 | 12-28-83 | 4900 | 40976NP | 1-24-84 |
| 247 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 360952/34449 | 37.02 | 12-29-83 | 4900 | 40976NP | 1-24-84 |
| 248 | NAPA Commerce City | Motor Auto Parts Colorado Springs | Auto Parts | 3114 | 368408/25587 | 24.54 | 12-30-83 | 4900 | 40976NP | 1-24-84 |
| 249 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 104289/24746 | 61.78 | 12-2-83 | 4900 | 40976NP | 1-24-84 |
| 250 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 33794/24745 | 37.75 | 12-5-83 | 4900 | 40976NP | 1-24-84 |
| 251 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 33848/24744 | 27.46 | 12-6-83 | 4900 | 40976NP | 1-24-84 |
| 252 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 31860/24743 | 25.79 | 12-8-83 | 4900 | 40976NP | 1-24-84 |
| 253 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 110975/24742 | 22.62 | 12-12-83 | 4900 | 40976NP | 1-24-84 |
| 254 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 122336/24740 | 18.11 | 12-16-83 | 4900 | 40976NP | 1-24-84 |
| 255 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 122290/24739 | 17.44 | 12-19-83 | 4900 | 40976NP | 1-24-84 |
| 256 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 118996/24738 | 39.47 | 12-20-83 | 4900 | 40976NP | 1-24-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|--------------------------|--------------------------------|------------|----------------|--------------------------------|--------|------------------|------------------|-----------------------------|-----------|
| 257 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 338351/24736 | 25.79 | 12-22-83 | 4900 | 40976NP | 1-24-84 |
| 258 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 113060/24737 | 29.17 | 12-23-83 | 4900 | 40976NP | 1-24-84 |
| 259 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 2953 | 360951/24735 | 17.44 | 12-30-83 | 4900 | 40976NP | 1-24-84 |
| 260 | Amoco Oil Dupont | Collett Enterprises Gypsum | Auto Parts | 2783 | <u>NFS/AMOCO</u> C74242/573 | 60.09 | 12-2-83 | 350 | 2677AM | 1-12-84 |
| 261 | Amoco Oil Dupont | Michael Wickizer Canon City | Auto Parts | 2783 | C74241/557 | 25.74 | 12-2-83 | 350 | 2677AM | 1-12-84 |
| 262 | Amoco Oil Dupont | C. Sterkel Vail | Auto Parts | 2783 | C74240/659 | 40.37 | 12-2-83 | 350 | 2677AM | 1-12-84 |
| 263 | Amoco Oil Dupont | C. Sterkel Vail | Auto Parts | 2783 | C74463/659 | 43.33 | 12-6-83 | 350 | 2677AM | 1-12-84 |
| 264 | Amoco Oil Dupont | Robert Melendy Frisco | Auto Parts | 2783 | C74561/710 | 18.11 | 12-7-83 | 350 | 2677AM | 1-12-84 |
| 265 | Amoco Oil Dupont | El Blanco Monte Vista | Auto Parts | 2783 | C72719/202 | 20.48 | 12-8-83 | 350 | 2677AM | 1-12-84 |
| 266 | Amoco Oil Dupont | C. Sterkel Vail | Auto Parts | 2783 | C72780/775 | 33.95 | 12-9-83 | 350 | 2677AM | 1-12-84 |
| 267 | Amoco Oil Dupont | Collett Enterprises Gypsum | Auto Parts | 2783 | C72878/816 | 19.96 | 12-12-83 | 350 | 2677AM | 1-12-84 |
| 268 | Amoco Oil Dupont | C. Sterkel Vail | Auto Parts | 2783 | C73000/846 | 17.44 | 12-13-83 | 350 | 2677AM | 1-12-84 |
| 269 | Amoco Oil Dupont | Belden Motors Cortez | Auto Parts | 2783 | C73322/162 | 154.28 | 12-14-83 | 350 | 2677AM | 1-12-84 |
| 270 | Amoco Oil Dupont | El Blanco Monte Vista | Auto Parts | 2783 | C73323/858 | 41.14 | 12-14-83 | 350 | 2677AM | 1-12-84 |
| 271 | Burt Toyota Englewood | Hudson Chevy Dillon | Auto Parts | 2812 | <u>NFS/BURT</u> C74251/866 | 16.87 | 12-2-83 | 1200 | 70068BT | 1-10-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|-----------------------------|-----------------------------------|------------|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 272 | Burt Toyota Englewood | Yampa Body Shop Craig | Auto Parts | 2812 | C74447/871 | 18.00 | 12-6-83 | 1200 | 70068BT | 1-10-84 |
| 273 | Burt Toyota Englewood | Breckenridge Auto Breckenridge | Auto Parts | 2812 | C74570/877 | 16.87 | 12-7-83 | 1200 | 70068BT | 1-10-84 |
| 274 | Burt Toyota Englewood | Monarch Auto Gunnison | Auto Parts | 2812 | C74571/875 | 18.00 | 12-7-83 | 1200 | 70068BT | 1-10-84 |
| 275 | Burt Toyota Englewood | Lon's Auto Durango | Auto Parts | 2812 | C72700/879 | 18.00 | 12-8-83 | 1200 | 70068BT | 1-10-84 |
| 276 | Burt Toyota Englewood | Gerk's Body Shop Sterling | Auto Parts | 2812 | C72880/884 | 18.56 | 12-12-83 | 1200 | 70068BT | 1-10-84 |
| 277 | Burt Toyota Englewood | Charlie's Body Shop Pueblo | Auto Parts | 2812 | C73336/891 | 17.44 | 12-14-83 | 1200 | 70068BT | 1-10-84 |
| 278 | Burt Toyota Englewood | Midtown Paint Pueblo | Auto Parts | 2812 | C73335/890 | 17.44 | 12-14-83 | 1200 | 70068BT | 1-10-84 |
| 279 | Burt Toyota Englewood | Red Canyon Glenwood Springs | Auto Parts | 2812 | C97603/894 | 17.44 | 12-15-83 | 1200 | 70068BT | 1-10-84 |
| 280 | Burt Toyota Englewood | Red Canyon Glenwood Springs | Auto Parts | 2812 | C97602/895 | 17.44 | 12-15-83 | 1200 | 70068BT | 1-10-84 |
| 281 | Burt Chevrolet Englewood | Carroll Motors Brush | Auto Parts | 2816 | C32670 | 16.87 | 12-2-83 | 1400 | 5502CM | 1-31-84 |
| 282 | Colorado Bumper Pueblo | Dawn Motor Trinidad | Auto Parts | 2820 | C30985 | 17.44 | 12-2-83 | 1640 | 9153CB | 1-17-84 |
| 283 | Colorado Bumper Pueblo | Down Town Body Salida | Auto Parts | 2820 | C30984 | 17.55 | 12-2-83 | 1640 | 9153CB | 1-17-84 |
| 284 | Colorado Bumper Pueblo | Carradino Body Trinidad | Auto Parts | 2820 | C30987 | 17.44 | 12-6-83 | 1640 | 9153CB | 1-17-84 |

| Number | Consignor | Consignee | Commodity |
|--------|------------------------------------|-------------------------------------|------------|
| 285 | Colorado Bumper Pueblo | Ignacio Body Ignacio | Auto Parts |
| 286 | Colorado Bumper Pueblo | Freyta Garage Trinidad | Auto Parts |
| 287 | Colorado Bumper Pueblo | Mashers Body Shop Starkville | Auto Parts |
| 288 | Colorado Bumper Pueblo | Key Chevy Springfield | Auto Parts |
| 289 | Colorado Bumper Pueblo | A-1 Body Gunnison | Auto Parts |
| 290 | Colorado Bumper Pueblo | Reed Spencer Alamosa | Auto Parts |
| 291 | Colorado Bumper Pueblo | Charlie's Body Trinidad | Auto Parts |
| 292 | Stewart Stevinson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts |
| 293 | Stewart Stevinson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts |
| 294 | Stewart Stevinson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts |
| 295 | Courtesy Ford Littleton | Eagle Auto Body Eagle | Auto Parts |
| 296 | Eagle Imports Englewood | Aragon Iron & Metal Fort Collins | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|----------------|-----------------------------------|--------|------------------|------------------|-----------------------------|-----------|
| 2820 | C30986 | 18.56 | 12-6-83 | 1640 | 9153CB | 1-17-84 |
| 2820 | C30991 | 17.44 | 12-6-83 | 1640 | 9153CB | 1-17-84 |
| 2820 | C30989 | 17.44 | 12-6-83 | 1640 | 9153CB | 1-17-84 |
| 2820 | C30992 | 18.00 | 12-7-83 | 1640 | 9153CB | 1-17-84 |
| 2820 | C30995 | 18.00 | 12-12-83 | 1640 | 9153CB | 1-17-84 |
| 2820 | C30996 | 18.00 | 12-14-83 | 1640 | 9153CB | 1-17-84 |
| 2820 | C30997 | 17.44 | 12-15-83 | 1640 | 9153CB | 1-17-84 |
| 2830 | <u>NFS/SHIPPER</u> C72809/3599 | 19.96 | 12-1-83 | 2175 | 3188DD | 1-24-84 |
| 2380 | C74162/3527 | 38.78 | 12-5-83 | 2175 | 3188DD | 1-24-84 |
| 2380 | C74306/3522 | 55.40 | 12-5-83 | 2175 | 3188DD | 1-24-84 |
| 2832 | C32666/C37150 | 52.32 | 12-13-83 | 2300 | 1035EA | 1-31-84 |
| 2833 | C31264 | 22.62 | 12-8-83 | 2325 | 1556EI | 1-10-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|----------------------------|---------------------------------------|------------|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 297 | Eagle Imports Englewood | A-1 Auto Body Gunnison | Auto Parts | 2833 | C31268 | 24.73 | 12-12-83 | 2325 | 1556EI | 1-10-84 |
| 298 | Eagle Imports Englewood | Red Canyon Trucks Glenwood Springs | Auto Parts | 2833 | C31266 | 32.40 | 12-12-93 | 2325 | 1556EI | 1-10-84 |
| 299 | Lakewood Ford Lakewood | Carroll Motors Brush | Auto Parts | 3299 | C67489 | 27.74 | 1-30-84 | 1400 | 5711CM | 3-14-84 |
| 300 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3300 | C31465 | 17.44 | 12-1-83 | 1425 | 8120CC | 2-24-84 |
| 301 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3300 | C91500 | 17.44 | 1-19-84 | 1425 | 8120CC | 2-24-84 |
| 302 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3300 | C91508 | 17.44 | 1-23-84 | 1425 | 8120CC | 2-24-84 |
| 303 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3300 | C91515 | 17.44 | 1-25-84 | 1425 | 8120CC | 2-24-84 |
| 304 | Colorado Bumper Pueblo | Downtown Body Shop Salida | Auto Parts | 3302 | C66437 | 17.44 | 1-17-84 | 1640 | 9258CB | 3-5-84 |
| 305 | Colorado Dumper Pueblo | Martin's Auto Body Delta | Auto Parts | 3302 | C66438 | 18.00 | 1-17-84 | 1640 | 9258CB | 3-5-84 |
| 306 | Colorado Bumper Pueblo | Carradino Body Shop Trinidad | Auto Parts | 3302 | C66439 | 17.44 | 1-17-84 | 1640 | 9258CB | 3-5-84 |
| 307 | Colorado Bumper Pueblo | Lon's Body Shop Durango | Auto Parts | 3302 | C66440 | 18.56 | 1-17-84 | 1640 | 9258CB | 3-5-84 |
| 308 | Colorado Bumper Pueblo | Hank's Body Shop Cortez | Auto Parts | 3302 | C95335 | 18.56 | 1-18-84 | 1640 | 9258CB | 3-5-84 |
| 309 | Colorado Bumper Pueblo | Reed Spencer Alamosa | Auto Parts | 3302 | C95334 | 18.00 | 1-18-84 | 1640 | 9258CB | 3-5-84 |
| 310 | Colorado Bumper Pueblo | File's Wrecking Naturita | Auto Parts | 3302 | C95310 | 18.56 | 1-19-84 | 1640 | 9258CB | 3-5-84 |
| 311 | Colorado Bumper Pueblo | Chuck's Body Delta | Auto Parts | 3302 | C95331 | 18.56 | 1-19-84 | 1640 | 9258CB | 3-5-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|---------------------------|---------------------------------|------------|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 312 | Colorado Bumper Pueblo | Petersen Body Cortez | Auto Parts | 3302 | C95332 | 18.56 | 1-19-84 | 1640 | 9258CB | 3-5-84 |
| 313 | Colorado Bumper Pueblo | Turner Chevrolet Montrose | Auto Parts | 3302 | C95333 | 18.00 | 1-19-84 | 1640 | 9258CB | 3-5-84 |
| 314 | Colorado Bumper Pueblo | B-J Body Leadville | Auto Parts | 3302 | C95311 | 17.44 | 1-20-84 | 1640 | 9258CB | 3-5-84 |
| 315 | Colorado Bumper Pueblo | Dawn Motor Trinidad | Auto Parts | 3302 | C95330 | 17.44 | 1-20-84 | 1640 | 9258CB | 3-5-84 |
| 316 | Colorado Bumper Pueblo | Carroll Motors Durango | Auto Parts | 3302 | C95313 | 18.56 | 1-23-84 | 1640 | 9258CB | 3-5-84 |
| 317 | Colorado Bumper Pueblo | Center Motor Center | Auto Parts | 3302 | C95312 | 20.48 | 1-23-84 | 1640 | 9258CB | 3-5-84 |
| 318 | Colorado Bumper Pueblo | Stanek Body Monte Vista | Auto Parts | 3302 | C95314 | 18.00 | 1-23-84 | 1640 | 9258CB | 3-5-84 |
| 319 | Colorado Bumper Pueblo | Jim Hudson Silverthorne | Auto Parts | 3302 | C95315 | 16.87 | 1-24-84 | 1640 | 9258CB | 3-5-84 |
| 320 | Colorado Bumper Pueblo | Colorado Paint Alamosa | Auto Parts | 3302 | C95316 | 18.00 | 1-25-84 | 1640 | 9258CB | 3-5-84 |
| 321 | Colorado Bumper Pueblo | Walter's Body Pagosa Springs | Auto Parts | 3302 | C95317 | 18.00 | 1-25-84 | 1640 | 9258CB | 3-5-84 |
| 322 | Colorado Bumper Pueblo | Keesee Motors Cortez | Auto Parts | 3302 | C95320 | 18.56 | 1-26-84 | 1640 | 9258CB | 3-5-84 |
| 323 | Colorado Bumper Pueblo | Chet's Body Delta | Auto Parts | 3302 | C95318 | 18.00 | 1-26-84 | 1640 | 9258CB | 3-5-84 |
| 324 | Colorado Bumper Pueblo | Performance Auto Montrose | Auto Parts | 3302 | C95321 | 18.00 | 1-27-84 | 1640 | 9258CB | 3-5-84 |
| 325 | Colorado Bumper Pueblo | Jim Hudson Silverthorne | Auto Parts | 3302 | C95324 | 16.87 | 1-31-84 | 1640 | 9258CB | 3-5-84 |
| 326 | Colorado Bumper Pueblo | Dawn Motor Trinidad | Auto Parts | 3302 | C95322 | 17.44 | 1-30-84 | 1640 | 9258CB | 3-5-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|--------------------------------------|----------------------------------|------------|----------------|------------------------------|--------|------------------|------------------|-----------------------------|-----------|
| 327 | Stewart & Stevenson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 3317 | <u>NFS/SS</u> C66696/3806 | 25.79 | 1-16-84 | 2175 | 3375 _{DD} | 3-9-84 |
| 328 | Stewart & Stevenson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 3317 | C66714 | 77.56 | 1-16-84 | 2175 | 3375 _{DD} | 3-9-84 |
| 329 | Stewart & Stevenson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 3317 | C66814/5101 | 25.79 | 1-19-84 | 2175 | 3375 _{DD} | 3-9-84 |
| 330 | Stewart & Stevenson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 3317 | C66986/5110 | 77.56 | 1-23-84 | 2175 | 3375 _{DD} | 3-9-84 |
| 331 | Burt Chevrolet Englewood | Eagle Auto Body Eagle | Auto Parts | 3318 | C90485 | 25.54 | 1-16-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 332 | Burt Chevrolet Englewood | Eagle Auto Body Eagle | Auto Parts | 3318 | C90486 | 17.44 | 1-16-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 333 | Courtesy Ford Littleton | Eagle Auto Body Eagle | Auto Parts | 3318 | C90406 | 17.44 | 1-17-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 334 | Courtesy Ford Littleton | Eagle Auto Body Eagle | Auto Parts | 3318 | C32749 | 17.44 | 11-21-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 335 | Salida Auto Salvage Salida | Eagle Auto Body Eagle | Auto Parts | 3318 | C31618 | 17.44 | 1-23-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 336 | Courtesy Ford Littleton | Eagle Auto Body Eagle | Auto Parts | 3318 | C90407 | 17.44 | 1-24-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 337 | Burt Chevrolet Englewood | Eagle Auto Body Eagle | Auto Parts | 3318 | C69303 | 17.44 | 1-26-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 338 | Courtesy Ford Littleton | Eagle Auto Body Eagle | Auto Parts | 3318 | C90410 | 17.44 | 1-28-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 339 | Courtesy Ford Littleton | Eagle Auto Body Eagle | Auto Parts | 3318 | C90408 | 17.44 | 1-31-84 | 2300 | 1165 _{EAB} | 3-14-84 |
| 340 | Eagle Imports Englewood | Manuels Auto FT. Lupton | Auto Parts | 3319 | C91 | 16.30 | 1-17-84 | 2325 | 1654 _{EI} | 2-23-84 |
| 341 | Eagle Imports Englewood | Aragon Iron Ft. Collins | Auto Parts | 3319 | C91495 | 16.87 | 1-17-84 | 2325 | 1654 _{EI} | 2-23-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 342 | Eagle Imports Englewood | Gary's Auto Brighton | Auto Parts | 3319 | C91507 | 23.17 | 1-23-84 | 2325 | 1654 _{EI} | 2-23-84 |
| 343 | Eagle Imports Englewood | H & J Auto Colorado Springs | Auto Parts | 3319 | C91510 | 16.87 | 1-23-84 | 2325 | 1654 _{EI} | 2-23-84 |
| 344 | Eagle Imports Englewood | Jessie's Body Shop Edwards | Auto Parts | 3319 | C69304 | 23.17 | 1-31-84 | 2325 | 1654 _{EI} | 2-23-84 |
| 345 | Eagle Imports Englewood | Jessie's Body Shop Edwards | Auto Parts | 3319 | C31327 | 16.87 | 1-27-84 | 2325 | 1654 _{EI} | 2-23-84 |
| 346 | Eagle Imports Englewood | Harris Used Truck Colorado Springs | Auto Parts | 3163 | C31290 | 18.11 | 12-21-83 | 2325 | 1596 _{EI} | 1-31-84 |
| 347 | Eagle Imports Englewood | Lon's Auto Salvage Durango | Auto Parts | 3163 | C31313 | 18.56 | 1-4-84 | 2325 | 1596 _{EI} | 1-31-84 |
| 348 | Eagle Imports Englewood | Bumper to Bumper Ft. Collins | Auto Parts | 3163 | C91476 | 18.11 | 1-10-84 | 2325 | 1596 _{EI} | 1-31-84 |
| 349 | Eagle Imports Englewood | Wollor Auto Parts Lamar | Auto Parts | 3163 | C91481 | 18.00 | 1-11-84 | 2325 | 1596 _{EI} | 1-31-84 |
| 350 | Eagle Imports Englewood | Aragon Iron & Metal Ft. Collins | Auto Parts | 3163 | C91493 | 16.87 | 1-13-84 | 2325 | 1596 _{EI} | 1-31-84 |
| 351 | South Side Auto Montrose | Gunnison Ford Gunnison | Auto Parts | 3176 | C66670 | 26.01 | 1-13-84 | 3075 | 18652 _{GF} | 2-9-84 |
| 352 | Burt Chevrolet Englewood | Myers Frame & Body Kremmling | Auto Parts | 3533 | C69290 | 58.79 | 2-7-84 | 4875 | 4040 _{MYR} | 3-6-84 |
| 353 | Northwest Auto Thornton | Hayden Auto Body Hayden | Auto Parts | 3535 | C67209 | 17.44 | 2-15-84 | 5050 | 54795 _{NW} | 3-6-84 |
| 354 | Northwest Auto Thornton | Midstate Motors Snowmass | Auto Parts | 3535 | C67207 | 17.44 | 2-8-84 | 5050 | 54795 _{NW} | 3-6-84 |
| 355 | Laverne Trucks Kessey | Overton Brothers Meeker | Auto Parts | 3536 | C36578 | 17.44 | 2-14-84 | 5150 | 1193 _{OB} | 4-16-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 356 | Lakewood Ford Lakewood | Randy's Auto Body Granby | Auto Parts | 3549 | C67498 | 16.87 | 2-8-84 | 5625 | 4933LF | 3-14-84 |
| 357 | Farmland Industries Aurora | Roaring Fork Valley Co-op Carbondale | Auto Parts | 3554 | C69831 | 24.54 | 2-1-84 | 5775 | 4425RFVC | 3-9-84 |
| 358 | Farmland Industries Aurora | Roaring Fork Valley Co-op Carbondale | Auto Parts | 3554 | C69917 | 17.44 | 2-2-84 | 5775 | 4425RFVC | 3-9-84 |
| 359 | Farmland Industries Aurora | Roaring Fork Valley Co-op Carbondale | Auto Parts | 3554 | C78618 | 17.44 | 2-7-84 | 5775 | 4425RFVC | 3-9-84 |
| 360 | Burt Subaru Englewood | Steamboat Auto Body Steamboat Springs | Auto Parts | 3562 | C78523 | 19.96 | 2-6-84 | 6400 | 3951STAB | 3-30-84 |
| 361 | Burt Subaru Englewood | Steamboat Auto Body Steamboat Springs | Auto Parts | 3562 | C69292 | 17.44 | 2-7-84 | 6400 | 3951STAB | 3-30-84 |
| 362 | Stevinson Toyota Lakewood | Leadville Auto Body Leadville | Auto Parts | 3563 | C69902/2291 | 17.44 | 2-2-84 | 6450 | 12476ST | 2-29-84 |
| 363 | Burt Chevrolet Englewood | Terry's Body Shop Eads | Auto Parts | 3569 | C69287 | 17.44 | 2-8-84 | 6700 | 4150TBS | 3-14-84 |
| 364 | Burt Chevrolet Englewood | Terry's Body Shop Eads | Auto Parts | 3569 | C30789 | 19.96 | 2-1-84 | 6700 | 4150TBS | 3-14-84 |
| 365 | Burt Chevrolet Englewood | Valley Body Shop Glenwood Springs | Auto Parts | 3574 | C67494 | 17.44 | 2-6-84 | 7000 | 1533VBS | 3-30-84 |
| 366 | Burt Chevrolet Englewood | Valley Body Shop Glenwood Springs | Auto Parts | 3574 | C78524 | 17.44 | 2-7-84 | 7000 | 1533VBS | 3-30-84 |
| 367 | Panther Tire Englewood | Victory Motors Craig | Auto Parts | 3575 | C32159 | 26.01 | 2-13-84 | 7050 | 7263VM | 3-09-84 |
| 368 | NAPA Commerce City | Motor Parts Woodland Park | Auto Parts | 3343 | 3343 | 101.22 | 2-1-84 | 4900 | 41641NP | 3-20-84 |
| 369 | NAPA Commerce City | Motor Parts & Auto Supply Colorado Springs | Auto Parts | 3343 | 3343 | 186.81 | 2-1-84 | 4900 | 41641NP | 3-20-84 |
| 370 | NAPA Commerce City | Auto Parts Calhan | Auto Parts | 3343 | 3343 | 394.19 | 2-1-84 | 4900 | 41641NP | 3-20-84 |

| Number | Consignor | Consignee | Commodity |
|--------|-------------------------|-------------------------------|------------|
| 371 | Amoco Oil Co. Dupont | J.D. Meineke Craig | Auto Parts |
| 372 | Amoco Oil Co. Dupont | E.J. Cook Frisco | Auto Parts |
| 373 | Amoco Oil Co. Dupont | Del Norte Motor Del Norte | Auto Parts |
| 374 | Amoco Oil Co. Dupont | J.D. Meineke Craig | Auto Parts |
| 375 | Amoco Oil Co. Dupont | B.J. Cook Frisco | Auto Parts |
| 376 | Amoco Oil Co. Dupont | C. Sterkel Vail | Auto Parts |
| 377 | Amoco Oil Co. Dupont | Glen Wiggington Oil Meeker | Auto Parts |
| 378 | Amoco Oil Co. Dupont | El Blanco Monte Vista | Auto Parts |
| 379 | Amoco Oil Co. Dupont | C. Sterkel Vail | Auto Parts |
| 380 | Amoco Oil Co. Dupont | Dennis Jochem Sterling | Auto Parts |
| 381 | Amoco Oil Co. Dupont | J.D. Meineke Craig | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 3585 | <u>NFS/AMOCO</u> C79472 | 334.87 | 2-21-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C79204/463 | 126.58 | 2-17-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C79302/716 | 157.00 | 2-16-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C79203/474 | 43.00 | 2-16-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C79596/596 | 74.43 | 2-22-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C61254/642 | 25.79 | 2-24-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C80040/77 | 26.01 | 2-28-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C80038/132 | 18.00 | 2-28-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C80039/89 | 68.42 | 2-28-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C80126/712 | 24.54 | 2-29-84 | 350 | 3082 _{AM} | 3-13-84 |
| 3585 | C80127/861 | 27.20 | 2-29-84 | 350 | 3082 _{AM} | 3-13-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 382 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3606 | C31335 | 17.44 | 2-16-84 | 1425 | 8188 _{CC} | 3-19-84 |
| 383 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3606 | C33958 | 19.96 | 2-4-84 | 1425 | 8188 _{CC} | 3-19-84 |
| 384 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3606 | C60821 | 17.44 | 2-24-84 | 1425 | 8188 _{CC} | 3-19-84 |
| 385 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts | 3606 | C61220 | 37.80 | 2-26-84 | 1425 | 8188 _{CC} | 3-19-84 |
| 386 | Colorado Bumper Pueblo | Hunter Bros. Durango | Auto Parts | 3609 | C78401 | 18.56 | 2-3-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 387 | Colorado Bumper Pueblo | Martin's Auto Delta | Auto Parts | 3609 | C95609 | 18.00 | 2-14-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 388 | Colorado Bumper Pueblo | Peterson Body Cortez | Auto Parts | 3609 | C95761 | 18.56 | 2-15-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 389 | Colorado Bumper Pueblo | Martins Auto Delta | Auto Parts | 3609 | C95762 | 18.00 | 2-15-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 390 | Colorado Bumper Pueblo | David's Auto Pagosa Springs | Auto Parts | 3609 | C95764 | 18.00 | 2-15-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 391 | Colorado Bumper Pueblo | Superior Body Springfield | Auto Parts | 3609 | C79133 | 18.00 | 2-20-84 | 1650 | 9264 _{CB} | 3-14-84 |
| 392 | Colorado Bumper Pueblo | Hudson Chevy Silverthorne | Auto Parts | 3609 | C79126 | 16.87 | 2-20-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 393 | Colorado Bumper Pueblo | Leadville Body Leadville | Auto Parts | 3609 | C79128 | 17.44 | 2-22-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 394 | Colorado Bumper Pueblo | Dawn Motor Trinidad | Auto Parts | 3609 | C79129 | 17.44 | 2-22-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 395 | Colorado Bumper Pueblo | Hascall Haines Salida | Auto Parts | 3609 | C79131 | 17.44 | 2-22-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 396 | Colorado Bumper Pueblo | B.J. Body Leadville | Auto Parts | 3609 | C79132 | 17.44 | 2-22-84 | 1640 | 9264 _{CB} | 3-14-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 397 | Colorado Bumper Pueblo | Anderson Body Delta | Auto Parts | 3609 | C61401 | 18.00 | 2-24-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 398 | Colorado Bumper Pueblo | Martin's Auto Delta | Auto Parts | 3609 | C61404 | 18.00 | 2-29-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 399 | Colorado Bumper Pueblo | Carroll Motors Durango | Auto Parts | 3609 | C61402 | 18.00 | 2-27-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 400 | Colorado Bumper Pueblo | Hunter Brothers Durango | Auto Parts | 3609 | C79130 | 18.56 | 2-28-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 401 | Colorado Bumper Pueblo | Steve Keech Motor Cortez | Auto Parts | 3609 | C61421 | 18.56 | 2-28-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 402 | Colorado Bumper Pueblo | Ignacio Body Ignacio | Auto Parts | 3609 | C61403 | 18.56 | 2-28-84 | 1640 | 9264 _{CB} | 3-14-84 |
| 403 | Stewart and Stevenson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 3620 | C95776 | 17.44 | 2-16-84 | 2174 | 3467 _{DD} | 3-22-84 |
| 404 | Eagle Imports Englewood | Aragon Iron & Metal Ft. Collins | Auto Parts | 3622 | C69349 | 16.87 | 2-16-84 | 2325 | 1709 _{EI} | 3-12-84 |
| 405 | Eagle Imports Englewood | Eagle Auto Body Eagle | Auto Parts | 3622 | C69350 | 17.44 | 2-16-84 | 2325 | 1709 _{EI} | 3-12-84 |
| 406 | Eagle Imports Englewood | Evergreen Collision Evergreen | Auto Parts | 3622 | C79283 | 16.30 | 2-17-84 | 2325 | 1709 _{EI} | 3-12-84 |
| 407 | Eagle Imports Englewood | All Truck Parts Colorado Springs | Auto Parts | 3622 | C60818 | 16.87 | 2-23-84 | 2325 | 1709 _{EI} | 3-12-84 |
| 408 | Eagle Imports Englewood | Graese Auto Atwood | Auto Parts | 3622 | C60823 | 17.44 | 2-27-84 | 2325 | 1709 _{EI} | 3-12-84 |
| 409 | Eagle Imports Englewood | Bob's Auto Pueblo | Auto Parts | 3622 | C60820 | 17.44 | 2-24-84 | 2325 | 1709 _{EI} | 3-12-84 |
| 410 | Eagle Imports Englewood | Aragon I&M Ft. Collins | Auto Parts | 3622 | C60822 | 16.87 | 2-27-84 | 2325 | 1709 _{EI} | 3-12-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 411 | Lakewood Ford Lakewood | Hudson Chevy Dillon | Auto Parts | 3350 | C90592 | 16.87 | 1-16-84 | 3480 | 6641 _{JH} | 2-14-84 |
| 412 | Burt Subaru/Chev. Englewood | Jesse's Tire Edwards | Auto Parts | 3357 | C68935 | 17.44 | 1-24-84 | 3650 | 4633 _{JT} | 2-23-84 |
| 413 | Burt Subaru/Chev. Englewood | Jesse's Tire Edwards | Auto Parts | 3357 | C4296 | 17.44 | 1-24-84 | 3650 | 4633 _{JT} | 2-23-84 |
| 414 | Burt Subaru/Chev. Englewood | Jesse's Tire Edwards | Auto Parts | 3357 | C69479 | 17.44 | 1-30-84 | 3650 | 4633 _{JT} | 2-23-84 |
| 415 | Burt Subaru/Chev Englewood | Jesse's Tire Edwards | Auto Parts | 3357 | C32650 | 19.96 | 1-16-84 | 3650 | 4633 _{JT} | 2-23-84 |
| 416 | Eagle Auto Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3359 | C91496 | 16.87 | 1-17-84 | 3815 | 1828 _{KF} | 2-14-84 |
| 417 | Eagle Auto Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3359 | C91486 | 16.87 | 1-18-84 | 3815 | 1828 _{KF} | 2-14-84 |
| 418 | Eagle Auto Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3359 | C31326 | 16.87 | 1-26-84 | 3815 | 1828 _{KF} | 2-14-84 |
| 419 | Eagle Auto Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3359 | C91516 | 16.87 | 1-25-84 | 3815 | 1828 _{KF} | 2-14-84 |
| 420 | Eagle Auto Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3359 | C31326 | 16.87 | 1-27-84 | 3815 | 1828 _{KF} | 2-14-84 |
| 421 | Eagle Auto Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3359 | C31332 | 16.87 | 1-30-84 | 3815 | 1828 _{KF} | 2-14-84 |
| 422 | Lakewood Ford Lakewood | Dale Combs Gypsum | Auto Parts | 3364 | C90596 | 17.44 | 1-17-84 | 3975 | 82006 _{LF} | 2-21-84 |
| 423 | Lakewood Ford Lakewood | Frisco Chevron Frisco | Auto Parts | 3364 | C95206 | 24.04 | 1-24-84 | 3975 | 82006 _{LF} | 2-21-84 |
| 424 | Leo Payne Lakewood | Eagle Auto Body Eagle | Auto Parts | 3366 | C72402 | 17.44 | 1-25-84 | 4125 | 35955 _{LP} | 2-21-84 |
| 425 | Leo Payne Lakewood | Bayfield Auto Bayfield | Auto Parts | 3366 | C72411 | 18.56 | 1-25-84 | 4125 | 35955 _{LP} | 2-21-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 426 | Leo Payne Lakewood | Midtown Paint Pueblo | Auto Parts | 3367 | C4223 | 24.54 | 1-17-84 | 4126 | 35955LP | 2-21-84 |
| 427 | Leo Payne Lakewood | Central Auto Body Wolcott | Auto Parts | 3367 | C4226 | 24.17 | 1-19-84 | 4126 | 35955LP | 2-21-84 |
| 428 | Leo Payne Lakewood | Eagle Auto Body Eagle | Auto Parts | 3367 | C4230 | 24.54 | 1-24-84 | 4126 | 35955LP | 2-21-84 |
| 429 | Burt Subaru Englewood | Morehart Chevrolet Durango | Auto Parts | 3378 | C69035 | 18.56 | 1-25-84 | 4700 | 29368MC | 2-21-84 |
| 430 | Burt Subaru Englewood | Morehart Chevrolet Durango | Auto Parts | 3378 | C69480 | 18.56 | 1-30-84 | 4700 | 29368MC | 2-21-84 |
| 431 | Monarch Motors Littleton | Collision Dynamics Steamboat Springs | Auto Parts | 3376 | C91600 | 24.61 | 1-16-84 | 4600 | 50886MM | 3-7-84 |
| 432 | Monarch Motors Littleton | A&B Body/Shop Lamar | Auto Parts | 3376 | C91599 | 28.81 | 1-26-84 | 4600 | 50886MM | 3-7-84 |
| 433 | Fordland Lakewood | Peraus Body Shop Glenwood Springs | Auto Parts | 3394 | C90595 | 17.44 | 1-17-84 | 5450 | 2739PA | 2-17-84 |
| 434 | Burt Subaru Englewood | Peraus Body Shop Glenwood Springs | Auto Parts | 3394 | C66575 | 17.44 | 1-18-84 | 5450 | 2739PA | 2-17-84 |
| 435 | Burt Subaru Englewood | Peraus Body Shop Glenwood Springs | Auto Parts | 3394 | C66554 | 17.44 | 1-18-84 | 5450 | 2739PA | 2-17-84 |
| 436 | Burt Chevrolet Englewood | Polich Brothers Craig | Auto Parts | 3393 | C69252 | 18.00 | 1-31-84 | 5525 | 7628PB | 3-12-84 |
| 437 | Williams Chevrolet Colorado Springs | Stanek Auto Monte Vista | Auto Parts | 3412 | C30757 | 18.00 | 1-23-84 | 6300 | 2690SA | 2-21-84 |
| 438 | Williams Chevrolet Colorado Springs | Stanek Auto Monte Vista | Auto Parts | 3412 | C30756 | 20.48 | 1-16-84 | 6300 | 2690SA | 2-21-84 |
| 439 | Stevinson Toyota Lakewood | Columbine Body Aspen | Auto Parts | 3416 | C91223 | 18.00 | 1-11-84 | 6450 | 12193ST | 2-16-84 |
| 440 | Stevinson Toyota Lakewood | Columbine Body Aspen | Auto Parts | 3416 | C66906 | 17.44 | 1-20-84 | 6450 | 12193ST | 2-16-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 441 | Burt Subaru Englewood | Steamboat Auto Steamboat Springs | Auto Parts | 3415 | C90484 | 19.96 | 1-18-84 | 6400 | 3864 _{SA} | 2-24-84 |
| 442 | Burt Subaru Englewood | Steamboat Auto Steamboat Springs | Auto Parts | 3415 | C69034 | 17.44 | 1-25-84 | 6400 | 3864 _{SA} | 2-24-84 |
| 443 | Burt Chevrolet Englewood | Terry's Body Eads | Auto Parts | 3422 | C66917 | 19.96 | 1-20-84 | 6700 | 4109 _{TB} | 2-21-84 |
| 444 | Amoco Oil Co. Dupont | James Adams Aspen | Auto Parts | 3444 | <u>NFS/AMOCO</u> C69409/83 | 90.93 | 1-27-84 | 350 | 3082 _{AM} | 3-13-84 |
| 445 | Amoco Oil Co. Dupont | C. Sterkel Vail | Auto Parts | 3444 | C69884/134 | 71.14 | 2-1-84 | 350 | 3082 _{AM} | 3-13-84 |
| 446 | Amoco Oil Co. Dupont | El Blanco Monte Vista | Auto Parts | 3444 | C69885/132 | 59.74 | 2-1-84 | 350 | 3082 _{AM} | 3-13-84 |
| 447 | Amoco Oil Co. Dupont | Collett Enterprises Gypsum | Auto Parts | 3444 | C78499/241 | 34.46 | 2-6-84 | 350 | 3082 _{AM} | 3-13-84 |
| 448 | Amoco Oil Co. Dupont | C. Sterkel Vail | Auto Parts | 3444 | C78874/348 | 45.81 | 2-10-84 | 350 | 3082 _{AM} | 3-13-84 |
| 449 | Burt Chevrolet Englewood | Berthoud Motor Glenwood Springs | Auto Parts | 3447 | C69291 | 17.44 | 2-7-84 | 650 | 30689 _{BM} | 3-15-84 |
| 450 | Burt Chevrolet Englewood | CASP Repair Service Carbondale | Auto Parts | 3457 | C69254 | 59.72 | 2-2-84 | 1150 | 45959 _{BC} | 2-29-84 |
| 451 | Burt Subaru Englewood | Eagle Auto Body Eagle | Auto Parts | 3458 | <u>NFS/Burt</u> C78899/584 | 19.96 | 2-10-84 | 1175 | 4727 _{BS} | 3-23-84 |
| 452 | Burt Subaru Englewood | Eagle Auto Body Eagle | Auto Parts | 3458 | C78898/586 | 21.05 | 2-10-84 | 1175 | 4727 _{BS} | 3-23-84 |
| 453 | Burt Toyota Englewood | Peterson's Body Shop Cortez | Auto Parts | 3459 | C78827 | 21.05 | 2-9-84 | 1200 | 71668 _{BT} | 3-2-84 |
| 454 | Burt Toyota Englewood | Dark Horse Heliarc Durango | Auto Parts | 3459 | C69878 | 18.56 | 2-1-84 | 1200 | 71668 _{BT} | 3-2-84 |

| Number | Consignor | Consignee | Commodity |
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| 455 | Burt Toyota Englewood | Red Canyon Auto Body Glenwood Springs | Auto Parts |
| 456 | Burt Toyota Englewood | Breckenridge Auto Body Breckenridge | Auto Parts |
| 457 | Burt Toyota Englewood | Auto Body and Paint Steamboat Springs | Auto Parts |
| 458 | Burt Toyota Englewood | Terry's Body Shop Ouray | Auto Parts |
| 459 | Burt Toyota Englewood | Smart's Auto Crafts Durango | Auto Parts |
| 460 | Burt Toyota Englewood | Auto Body and Paint Steamboat Springs | Auto Parts |
| 461 | Burt Toyota Englewood | Midtown Paint and Body Pueblo | Auto Parts |
| 462 | Burt Toyota Englewood | Midtown Paint Pueblo | Auto Parts |
| 463 | Burt Toyota Englewood | Berthoud Motors Berthoud | Auto Parts |
| 464 | Burt Toyota Englewood | Randy's Auto Body Granby | Auto Parts |
| 465 | Burt Toyota Englewood | Jesse's Auto Body Edwards | Auto Parts |
| 466 | Eagle Imports Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts |
| 467 | Colorado Auto & Parts, Englewood | Cattle Creek Auto Glenwood Springs | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
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| 3459 | C69964 | 24.54 | 2-2-84 | 1200 | 71668BT | 3-2-84 |
| 3459 | C78641 | 16.87 | 2-7-84 | 1200 | 71668BT | 3-2-84 |
| 3459 | C78816 | 17.44 | 2-9-84 | 1200 | 71668BT | 3-2-84 |
| 3459 | C78813 | 18.56 | 2-9-84 | 1200 | 71668BT | 3-2-84 |
| 3459 | C78814 | 18.56 | 2-9-84 | 1200 | 71669BT | 3-2-84 |
| 3459 | C78815 | 24.54 | 2-9-84 | 1200 | 71668BT | 3-2-98 |
| 3459 | C78828 | 17.44 | 2-9-84 | 1200 | 71668BT | 3-2-84 |
| 3459 | C78829 | 17.44 | 2-9-84 | 1200 | 71668BT | 3-2-84 |
| 3459 | C78830 | 17.44 | 2-9-84 | 1200 | 71668BT | 3-2-84 |
| 3459 | C78900 | 16.87 | 2-10-84 | 1200 | 71668BT | 3-2-84 |
| 3459 | C79954 | 17.44 | 2-13-84 | 1200 | 71668BT | 3-2-84 |
| 3461 | C69319 | 17.44 | 2-6-84 | 1425 | 8188CC | 3-19-84 |
| 3461 | C95636 | 19.96 | 2-14-84 | 1425 | 8188CC | 3-19-84 |

| Number | Consignor | Consignee | Commodity |
|--------|---------------------------|--------------------------------------|------------|
| 468 | Colorado Bumper Pueblo | Martins Paint and Body Delta | Auto Parts |
| 469 | Colorado Bumper Pueblo | A-Z Body Shop Gunnison | Auto Parts |
| 470 | Colorado Bumper Pueblo | Downtown Body Salida | Auto Parts |
| 471 | Colorado Bumper Pueblo | Keesee Motors Cortez | Auto Parts |
| 472 | Colorado Bumper Pueblo | Tarpley Truck and Trailer Durango | Auto Parts |
| 473 | Colorado Bumper Pueblo | Files Wrecking Naturita | Auto Parts |
| 474 | Colorado Bumper Pueblo | University Exxon Trinidad | Auto Parts |
| 475 | Colorado Bumper Pueblo | Martin Auto Body Delta | Auto Parts |
| 476 | Colorado Bumper Pueblo | Terry's Body Eads | Auto Parts |
| 477 | Colorado Bumper Pueblo | Tarpley Truck Durango | Auto Parts |
| 478 | Colorado Bumper Pueblo | Keese Motor Cortez | Auto Parts |
| 479 | Colorado Bumper Pueblo | L&M Body Shop Alamosa | Auto Parts |
| 480 | Colorado Bumper Pueblo | Dove Creek Implement Dove Creek | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 3466 | C95323 | 18.00 | 1-30-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C95328 | 18.00 | 1-30-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C95325 | 17.44 | 2-1-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C95327 | 18.56 | 2-1-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C69932 | 25.29 | 2-2-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C69933 | 25.29 | 2-2-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C69931 | 17.44 | 2-2-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C69974 | 18.00 | 2-2-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C69905 | 17.44 | 2-3-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C78634 | 18.56 | 2-7-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C78633 | 26.58 | 2-7-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C78660 | 18.00 | 2-8-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C78791 | 18.56 | 2-9-84 | 1640 | 9258CB | 3-5-84 |

| Number | Consignor | Consignee | Commodity |
|--------|---------------------------------|--------------------------------------|------------|
| 481 | Colorado Bumper Pueblo | Colorado Paint and Body Alamosa | Auto Parts |
| 482 | Colorado Bumper Pueblo | Jim Hudson Chevrolet Silverthorne | Auto Parts |
| 483 | Colorado Bumper Pueblo | Monarch Auto Body Gunnison | Auto Parts |
| 484 | Colorado Bumper Pueblo | Peterson Body Cortez, | Auto Parts |
| 485 | Colorado Bumper Pueblo | Pat's Body Shop La Jara | Auto Parts |
| 486 | Colorado Bumper Pueblo | Jim Hudson Silverthorne | Auto Parts |
| 487 | Colorado Bumper Pueblo | Performance Center Montrose | Auto Parts |
| 488 | Turn Pike Subaru Boulder | Ray's Auto Rifle | Auto Parts |
| 489 | Turn Pike Subaru Boulder | Deherra Service La Jara | Auto Parts |
| 490 | Burt Subaru Englewood | Yampa Auto Craig | Auto Parts |
| 491 | Bob Hagestad Porche Lakewood | Midstate Motors Snowmass | Auto Parts |
| 492 | Hottman Chevrolet Brighton | Steamboat Auto Steamboat | Auto Parts |
| 493 | Mark Toyota Aurora | Vail Auto Parts Vail | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 3466 | C78792 | 18.00 | 2-9-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C78793 | 16.87 | 2-9-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C78840 | 18.00 | 2-9-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C78841 | 21.65 | 2-9-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C95610 | 18.00 | 2-9-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C95763 | 26.87 | 2-9-84 | 1640 | 9258CB | 3-5-84 |
| 3466 | C95321 | 16.87 | 2-9-84 | 1640 | 9258CB | 3-5-84 |
| 2206 | C14530 | 17.44 | 1-5-84 | 7560 | 25466TPS | 3-5-84 |
| 2206 | C14531 | 18.00 | 1-4-84 | 7560 | 25466TPS | 3-5-84 |
| 2212 | C69033 | 18.00 | 1-25-84 | 8875 | 2904YA | 2-17-84 |
| 2216 | C78407 | 17.44 | 2-3-84 | 2685 | 32152BH | 2-24-84 |
| 2224 | C79123 | 17.44 | 2-15-84 | 2825 | 30847HC | 2-24-84 |
| 2226 | C78675 | 24.17 | 2-8-84 | 4584 | 30959MT | 2-29-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|------------------------------------|-------------------------------------|------------|----------------|-------------|--------|------------------|------------------|-----------------------------|-----------|
| 494 | Suss Pontiac Aurora | Central Auto Wolcott | Auto Parts | 2233 | C60675 | 24.54 | 2-7-84 | 7326 | 12376Sp | 2-23-84 |
| 495 | A-1 Auto Commerce City | Lamar Starter Lamar | Auto Parts | 2238 | C78747 | 61.74 | 2-9-84 | 60 | 7885AAE | 3-16-84 |
| 496 | A-1 Auto Commerce City | Rifle Auto Parts Rifle | Auto Parts | 2238 | C78617 | 28.70 | 2-9-84 | 60 | 7885AAE | 3-16-84 |
| 497 | Roger Mauro Littleton | Berthoud Motors Glenwood Springs | Auto Parts | 2265 | C31481 | 17.44 | 2-2-84 | 4590 | 7139RM | 3-5-84 |
| 498 | Stewart/Stevinson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 2268 | C78602/5182 | 36.48 | 2-7-84 | 7275 | 7697SS | 3-2-84 |
| 499 | El Darado Tire Englewood | KK Auto Carbondale | Auto Parts | 2390 | C84678 | 19.96 | 3-2-84 | 3051 | 1404KK | 3-27-84 |
| 500 | Mark Toyota Aurora | Delbert Hammer Grand Junction | Auto Parts | 2395 | C60665 | 18.00 | 2-24-84 | 4584 | 31690MT | 3-30-84 |
| 501 | Maxey Fort Collins | Routt CSCS Steamboat Springs | Auto Parts | 2396 | C30886 | 17.44 | 3-9-84 | 4605 | 7192MX | 4-16-84 |
| 502 | Panther Tire Englewood | Clifton Tire Clifton | Auto Parts | 2402 | C32160 | 179.65 | 3-11-84 | 5657 | 3374pT | 4-19-84 |
| 503 | Stewart/Stevinson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 2409 | C85308/843 | 29.36 | 3-9-83 | 7275 | 8584SS | 4-20-84 |
| 504 | Eagle Imports Englewood | Westside Auto Fort Morgan | Auto Parts | 2418 | C60842 | 16.87 | 3-5-83 | 8523 | 7552WA | 3-30-84 |
| 505 | Eagle Imports Englewood | Harris Truck Colorado Springs | Auto Parts | 2323 | C60830 | 16.87 | 2-28-84 | 2681 | 3298HT | 3-20-84 |
| 506 | Eagle Imports Englewood | Harris Truck Colorado Springs | Auto Parts | 2323 | C79389 | 16.87 | 2-20-84 | 2681 | 3298HT | 3-20-84 |
| 507 | Hottman Chevy Brighton | Steamboat Auto Steamboat Springs | Auto Parts | 2326 | C95691 | 17.44 | 2-15-84 | 2825 | 30981H | 3-13-84 |

| Number | Consignor | Consignee | Commodity |
|--------|----------------------------------|--|------------|
| 508 | Layton Truck Colorado Springs | Elbert City Shop Kiowa | Auto Parts |
| 509 | Mark Toyota Aurora | Monarch Auto Gunnison | Auto Parts |
| 510 | Roger Mauro Littleton | Valley Body Shop Glenwood Springs | Auto Parts |
| 511 | Roger Mauro Littleton | Valley Body Shop Glenwood Springs | Auto Parts |
| 512 | Roger Mauro Littleton | Professional Auto Body Grand Junction | Auto Parts |
| 513 | Roger Mauro Littleton | Royces Auto Body Grand Junction | Auto Parts |
| 514 | Burt Chevrolet Englewood | Eagle Auto Body Eagle | Auto Parts |
| 515 | Burt Chevrolet Englewood | Eagle Auto Body Eagle | Auto Parts |
| 516 | Burt Chevrolet Englewood | Eagle Auto Body Eagle | Auto Parts |
| 517 | Laverne Truck Kersey | Eagle Auto Parts Eagle | Auto Parts |
| 518 | Eagle Imports Englewood | Red Canyon Trucks Glenwood Springs | Auto Parts |
| 519 | Eagle Imports Englewood | Perkins Motor Hotchkiss | Auto Parts |
| 520 | Eagle Imports Englewood | Westside Auto Ft. Morgan | Auto Parts |

| NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 2328 | C79546 | 20.98 | 2-22-84 | 3577 | 11938 _{LT} | 3-13-84 |
| 2331 | C60664 | 18.00 | 2-23-84 | 4584 | 31310 _{MT} | 3-12-84 |
| 2332 | C91401 | 17.44 | 2-22-84 | 4590 | 7232 _{RM} | 3-8-84 |
| 2332 | C31482 | 17.44 | 2-22-84 | 4590 | 7232 _{RM} | 3-8-84 |
| 2332 | C91402 | 18.00 | 2-27-84 | 4590 | 7232 _{RM} | 3-8-84 |
| 2332 | C91403 | 18.00 | 2-29-84 | 4590 | 7232 _{RM} | 3-8-84 |
| 3477 | C69293 | 17.44 | 2-6-84 | 2300 | 1165 _{EB} | 3-14-84 |
| 3477 | C90427 | 17.44 | 2-8-84 | 2300 | 1165 _{EB} | 3-14-84 |
| 3477 | C72551 | 17.44 | 2-10-84 | 2300 | 1165 _{EB} | 3-14-84 |
| 3478 | C36577 | 17.44 | 2-8-84 | 2310 | 2576 _{EP} | 3-27-84 |
| 3479 | C69320 | 17.44 | 2-4-84 | 2325 | 1670 _{EI} | 2-27-84 |
| 3479 | C69321 | 18.56 | 2-4-84 | 2325 | 1670 _{EI} | 2-27-84 |
| 3479 | C69329 | 22.62 | 2-7-84 | 2325 | 1670 _{EI} | 2-27-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|-----------------------------------|--|------------|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 521 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3479 | C69337 | 16.87 | 2-7-84 | 2325 | 1670EI | 2-27-84 |
| 522 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3479 | C69332 | 16.87 | 2-9-84 | 2325 | 1670EI | 2-27-84 |
| 523 | Aurora Crown Aurora | Holland Auto Parts Glenwood Springs | Auto Parts | 3496 | C39745 | 37.80 | 1-25-84 | 3425 | 13189HA | 3-07-84 |
| 524 | Aurora Crown Aurora | Holland Auto Parts Glenwood Springs | Auto Parts | 3496 | C69845 | 17.44 | 2-1-84 | 3425 | 13189HA | 3-07-84 |
| 525 | Burt Chevrolet Englewood | Hayden Auto Parts Hayden | Auto Parts | 3497 | C69296 | 17.44 | 2-3-84 | 3300 | 2375HAY | 3-14-84 |
| 526 | Burt Chevrolet Englewood | Hayden Auto Parts Hayden | Auto Parts | 3497 | C69284 | 17.44 | 2-10-84 | 3300 | 2375HAY | 3-14-84 |
| 527 | Burt Chevrolet Englewood | Jesse's Tire and Auto Edwards | Auto Parts | 3507 | C69300 | 17.44 | 2-2-84 | 3650 | 4653JT | 3-09-84 |
| 528 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3510 | C69309 | 16.87 | 2-1-84 | 3815 | 4872KF | 2-27-84 |
| 529 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3510 | C69317 | 16.87 | 2-1-84 | 3815 | 4872KF | 2-27-84 |
| 530 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3510 | C67434 | 18.00 | 2-4-84 | 3815 | 4872KF | 2-27-84 |
| 531 | Ken's Foreign Colorado Springs | Southside Auto Colorado Springs | Auto Parts | 3510 | C69339 | 16.87 | 2-10-84 | 3815 | 4872KF | 2-27-84 |
| 532 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3510 | C69341 | 16.87 | 2-13-84 | 3815 | 4872KF | 2-27-84 |
| 533 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3510 | C69344 | 16.87 | 2-14-84 | 3815 | 4872KF | 2-27-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|----------------------------------|-------------------------------------|------------|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 534 | Eagle Imports Englewood | Ken's Foreign Colorado Springs | Auto Parts | 3510 | C69347 | 16.87 | 2-15-84 | 3815 | 4872KF | 2-27-84 |
| 535 | Academy Ford Colorado Springs | L-M Body Shop Alamosa | Auto Parts | 3514 | C78465 | 18.00 | 2-3-84 | 3960 | 5292LM | 3-30-84 |
| 536 | Academy Ford Colorado Springs | L-M Body Shop Alamosa | Auto Parts | 3514 | C78802 | 18.00 | 2-9-84 | 3960 | 5292LM | 3-30-84 |
| 537 | Auto Salvage Fort Collins | L-M Body Shop Alamosa | Auto Parts | 3514 | C95611 | 18.00 | 2-14-84 | 3960 | 5292LM | 3-30-84 |
| 538 | Burt Chevrolet Englewood | Morehart Chevrolet Durango | Auto Parts | 3526 | C69585 | 20.48 | 1-31-84 | 4700 | 29409MC | 3-02-84 |
| 539 | Salida Auto Salida | Jim Hudson Dillon | Auto Parts | 3647 | C31620 | 16.87 | 2-15-84 | 3480 | 6687JH | 3-9-84 |
| 540 | Lakewood Ford Lakewood | Jim Hudson Dillon | Auto Parts | 3647 | C67527 | 17.87 | 2-24-84 | 3480 | 6687JH | 3-9-84 |
| 541 | Academy Ford Colorado Springs | L&M Body Shop Alamosa | Auto Parts | 3658 | C78576 | 18.00 | 2-7-84 | 3960 | 5292CM | 3-30-84 |
| 542 | Academy Ford Colorado Springs | L&M Body Shop Alamosa | Auto Parts | 3658 | C60699 | 18.00 | 2-17-84 | 3960 | 5292CM | 3-30-84 |
| 543 | Academy Ford Colorado Springs | L&M Body Shop Alamosa | Auto Parts | 3658 | C60700 | 18.00 | 2-28-84 | 3960 | 5292CM | 3-30-84 |
| 544 | Lakewood Ford Lakewood | Jim Hudson Dillon | Auto Parts | 3647 | C67531 | 16.87 | 2-17-84 | 3480 | 6687JH | 3-9-84 |
| 545 | Leo Payne Lakewood | Dependable Auto Colorado Springs | Auto Parts | 3661 | C80147 | 16.87 | 2-29-84 | 4125 | 37795LP | 3-28-84 |
| 546 | Leo Payne Lakewood | Silverthorne Auto Silverthorne | Auto Parts | 3661 | C35984 | 16.87 | 2-29-84 | 4125 | 37795LP | 3-28-84 |
| 547 | Leo Payne Lakewood | Bayfield Auto Bayfield | Auto Parts | 3661 | C72407 | 18.56 | 2-21-84 | 4125 | 37795LP | 3-28-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|----------------------------------|----------------------------------|------------|----------------|------------|--------|------------------|------------------|-----------------------------|-----------|
| 548 | Leo Payne Lakewood | Rhodes Auto Restore Basalt | Auto Parts | 3661 | C35947 | 19.96 | 2-20-84 | 4125 | 37795 _{LP} | 3-28-84 |
| 549 | Leo Payne Lakewood | Eagle Auto Body Eagle | Auto Parts | 3662 | C78406 | 17.44 | 2-3-84 | 4126 | 37795 _{LP} | 3-28-84 |
| 550 | Leo Payne Lakewood | Eagle Auto Body Eagle | Auto Parts | 3662 | C4229 | 17.44 | 2-3-84 | 4126 | 37795 _{LP} | 3-28-84 |
| 551 | Leo Payne Lakewood | Eagle Auto Body Eagle | Auto Parts | 3662 | C69707 | 17.44 | 2-16-84 | 4126 | 37795 _{LP} | 3-28-84 |
| 552 | Leo Payne Lakewood | Craig Body Shop Craig | Auto Parts | 3662 | C69708 | 18.00 | 2-16-84 | 4126 | 37795 _{LP} | 3-28-84 |
| 553 | Aurora Crown Aurora | Main Automotive Limon | Auto Parts | 3666 | C60404 | 23.74 | 2-28-84 | 4275 | 19930 _{MA} | 3-12-84 |
| 554 | Lakewood Ford Lakewood | Gunnison Ford Gunnison | Auto Parts | 3640 | C67528 | 18.00 | 2-22-84 | 3075 | 18966 _{GF} | 4-5-84 |
| 555 | A-1 Auto Commerce City | Lamar Starter Lamar | Auto Parts | 2361 | C85486 | 36.01 | 3-13-84 | 60 | 8193 _{AAE} | 4-11-84 |
| 556 | Academy Ford Colorado Springs | L&M Body Alamosa | Auto Parts | 2363 | C60701 | 18.00 | 3-7-84 | 99 | 45650 _{AF} | 3-23-84 |
| 557 | Eagle Imports Englewood | BSR Auto Rifle | Auto Parts | 2368 | C60894 | 17.44 | 3-12-84 | 360 | 3638 _{BSR} | 4-16-84 |
| 558 | Eagle Imports Englewood | Harris Truck Colorado Springs | Auto Parts | 2386 | C60868 | 16.87 | 3-13-84 | 2681 | 3326 _{HT} | 3-28-84 |
| 559 | Eagle Imports Englewood | Harris Truck Colorado Springs | Auto Parts | 2386 | C60860 | 16.87 | 3-9-84 | 2681 | 3326 _{HT} | 3-28-84 |
| 560 | Eagle Imports Englewood | Harris Truck Colorado Springs | Auto Parts | 2386 | C60836 | 16.87 | 3-1-84 | 2681 | 3326 _{HT} | 3-28-84 |

| Number | Consignor | Consignee | Commodity | NFS Invoice | NFS BOL | Amount | Delivery Date | Ledger Number | Customer Check Number | Date Paid |
|--------|---|-------------------------------------|------------|----------------|------------------------|--------|------------------|------------------|-----------------------------|-----------|
| 561 | Stewart/Stevenson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 2350 | NFS/DODD C61378/635 | 34.35 | 2-27-84 | 7275 | 8584 _{SS} | 4-20-84 |
| 562 | Stewart/Stevenson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 2350 | C95693/571 | 33.24 | 2-15-84 | 7275 | 8584 _{SS} | 4-20-84 |
| 563 | Turnpike Ford Boulder | Breckenridge Auto Breckenridge | Auto Parts | 2352 | C14533 | 16.87 | 2-23-84 | 7560 | 25897 _{TF} | 3-28-84 |
| 564 | Westminster Auto Westminster | Southside Auto Colorado Springs | Auto Parts | 2357 | C67600 | 18.00 | 2-29-84 | 8650 | 5400 _{WA} | 4-4-84 |
| 565 | Central Datsun Aurora | AF Automotive Meeker | Auto Parts | 2426 | C95265 | 36.00 | 2-21-84 | 875 | 7699 _{CD} | 4-10-84 |
| 566 | Central Datsun Aurora | Lon's Auto Durango | Auto Parts | 2426 | C95266 | 18.56 | 2-16-84 | 875 | 7699 _{CD} | 4-10-84 |
| 567 | Central Datsun Aurora | Leadville Auto Leadville | Auto Parts | 2426 | C30937 | 19.96 | 3-7-84 | 875 | 7699 _{CD} | 4-10-84 |
| 568 | Burt Chevrolet Englewood | Precision Auto Greeley | Auto Parts | 2453 | C69267 | 16.87 | 3-6-84 | 6235 | 2054 _{PA} | 4-17-84 |
| 569 | Mountain State Engine Commerce City | Aspen Ski Aspen | Auto Parts | 2449 | C85219 | 20.48 | 3-7-84 | 4786 | 400 _{MSE} | 4-11-84 |
| 570 | Mountain State Engine Commerce City | Aspen Ski Aspen | Auto Parts | 2449 | C85218 | 18.00 | 3-8-84 | 4786 | 400 _{MSE} | 4-11-84 |
| 571 | Eagle Imports Englewood | All Truck Parts Colorado Springs | Auto Parts | 2129 | C91513 | 16.87 | 1-24-84 | 113 | 5343 _{AT} | 2-17-84 |
| 572 | Stevinson Toyota Lakewood | Keesee Motors Cortez | Auto Parts | 3700 | C95782 | 18.56 | 2-16-84 | 6450 | 12882 _{ST} | 3-15-84 |
| 573 | Stewart/Stevinson Commerce City | Dodd Diesel Steamboat Springs | Auto Parts | 3620 | C79424 | 60.94 | 2-20-84 | 2174 | 3467 _{DD} | 3-22-84 |

573 out of authority moves and \$16,096.34 collected revenue.

(Decision No. R84-992)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|------------------------------------|------------------------------|
| RE: INVESTIGATION AND SUSPENSION) | INVESTIGATION AND SUSPENSION |
| OF THE TARIFF SHEET ACCOMPANYING) | DOCKET NO. 1649 |
| ADVICE LETTER NO. 2, FILED BY) | |
| AGATE MUTUAL TELEPHONE) | RECOMMENDED DECISION OF |
| TARIFF COLORADO P.U.C. NO. 1 -) | EXAMINER ROBERT E. TEMMER |
| TELEPHONE.) | |

September 7, 1984

STATEMENT


On May, 30, 1984, Agate Mutual Telephone, the Respondent, filed its Advice Letter No. 2, dated May 29, 1984, and accompanying tariff sheet with this Commission. The Commission issued its Decision No. C84-732 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 23, 1984, requesting that its Advice Letter No. 2 be withdrawn. The request should be granted.

ORDER

THE COMMISSION ORDERS THAT:

1. Agate Mutual Telephone, the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 2, and accompanying tariff sheet, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1649, be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jk: SHIR/D

(Decision No. R84-993)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: INVESTIGATION AND SUSPENSION)
OF THE TARIFF SHEET ACCOMPANYING)
ADVICE LETTER NO. 5, FILED BY)
BIG SANDY TELECOM TARIFF)
COLORADO P.U.C. NO. 3 - TELEPHONE)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1650

RECOMMENDED DECISION OF
EXAMINER ROBERT E. TEMMER

- - - - -
September 7, 1984
- - - - -

STATEMENT

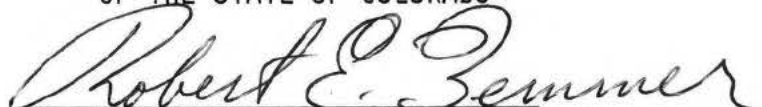
On June 1, 1984, Big Sandy Telecom, the Respondent, filed its Advice Letter No. 5, dated May 30, 1984, and accompanying tariff sheet with this Commission. The Commission issued its Decision No. C84-733 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 24, 1984, requesting that its Advice Letter No. 5 be withdrawn. The request should be granted.

O R D E R

THE COMMISSION ORDERS THAT:

1. Big Sandy Telecom, the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 5, and accompanying tariff sheet, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1650, be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jkm:SHIR/G

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF THE TARIFF SHEET ACCOMPANYING)
ADVICE LETTER NO. 16, FILED BY)
WIGGINS TELEPHONE ASSOCIATION)
WIGGINS, COLORADO TARIFF COLORADO)
P.U.C. NO. 1 - TELEPHONE.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1651

RECOMMENDED DECISION OF
EXAMINER ROBERT E. TEMMER

September 7, 1984

STATEMENT


On June 1, 1984, Wiggins Telephone Association, the Respondent, filed its Advice Letter No. 16, dated May 30, 1984, and accompanying tariff sheet with this Commission. The Commission issued its Decision No. C84-734 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 23, 1984, requesting that its Advice Letter No. 16 be withdrawn. The request should be granted.

O R D E R

THE COMMISSION ORDERS THAT:

1. Wiggins Telephone Association, the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 16, and accompanying tariff sheet, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1651, be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
saw

(Decision No. R84-995)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: INVESTIGATION AND SUSPENSION)
OF THE TARIFF SHEET ACCOMPANYING)
ADVICE LETTER NO. 17, FILED BY)
SUNFLOWER TELEPHONE COMPANY, INC.)
TARIFF COLORADO P.U.C. NO. 3 -)
TELEPHONE.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1652

RECOMMENDED DECISION OF
EXAMINER ROBERT E. TEMMER

September 7, 1984

STATEMENT

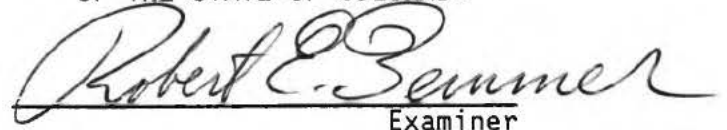
On May, 21, 1984, Sunflower Telephone Company, the Respondent, filed its Advice Letter No. 17, dated May 18, 1984, and accompanying tariff sheet with this Commission. The Commission issued its Decision No. C84-735 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 30, 1984, requesting that its Advice Letter No. 17 be withdrawn. The request should be granted.

ORDER

THE COMMISSION ORDERS THAT:

1. Sunflower Telephone Company, the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 17, and accompanying tariff sheet, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1652, be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jkm:SHIR/H

(Decision No. R84-996)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: INVESTIGATION AND SUSPENSION)
OF THE TARIFF SHEET ACCOMPANYING)
ADVICE LETTER NO. 18, FILED BY)
NUCLA-NATURITA TELEPHONE COMPANY)
TARIFF COLORADO P.U.C. NO. 4 -)
TELEPHONE.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1653

RECOMMENDED DECISION OF
EXAMINER ROBERT E. TEMMER

September 7, 1984

STATEMENT

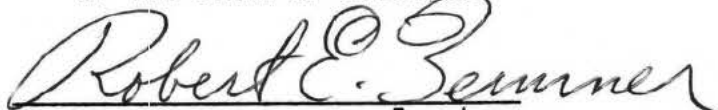
On May, 31, 1984, Nucla-Naturita Telephone Company, the Respondent, filed its Advice Letter No. 18, dated May 29, 1984, and accompanying tariff sheet with this Commission. The Commission issued its Decision No. C84-736 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 23, 1984, requesting that its Advice Letter No. 18 be withdrawn. The request should be granted.

ORDER

THE COMMISSION ORDERS THAT:

1. Nucla-Naturita Telephone Company, the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 18, and accompanying tariff sheet, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1653, be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jk: SHIR/I

(Decision No. R84-997)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: INVESTIGATION AND SUSPENSION)
OF THE TARIFF SHEET ACCOMPANYING)
ADVICE LETTER NO. 19, FILED BY)
THE BIJOU TELEPHONE CO-OP)
TARIFF COLORADO P.U.C. NO. 1 -)
TELEPHONE.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1654

RECOMMENDED DECISION OF
EXAMINER ROBERT E. TEMMER

September 7, 1984

STATEMENT

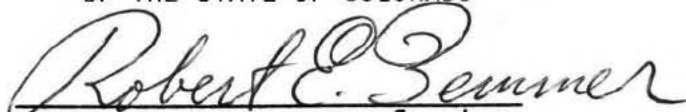
On May, 30, 1984, The Bijou Telephone Co-op, the Respondent, filed its Advice Letter No. 19, dated May 29, 1984, and accompanying tariff sheet with this Commission. The Commission issued its Decision No. C84-737 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 20, 1984, requesting that its Advice Letter No. 19 be withdrawn. The request should be granted.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Bijou Telephone Co-op, the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 19, and accompanying tariff sheet, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1654, be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jkm: SHIR/L

(Decision No. R84-998)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF THE TARIFF SHEET ACCOMPANYING)
ADVICE LETTER NO. 13, FILED BY)
COLUMBINE TELEPHONE COMPANY)
TARIFF COLORADO P.U.C. NO. 1 -)
TELEPHONE.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1657

RECOMMENDED DECISION OF
EXAMINER ROBERT E. TEMMER

September 13, 1984

STATEMENT

On June 11, 1984, Columbine Telephone Company, the Respondent, filed its Advice Letter No. 13, dated June 5, 1984, and accompanying tariff sheet with this Commission. The Commission issued its Decision No. C84-739 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 23, 1984, requesting that its Advice Letter No. 13 be withdrawn. The request should be granted.

ORDER

THE COMMISSION ORDERS THAT:

1. The Columbine Telephone Company, the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 13, and accompanying tariff sheet, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1657 be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
saw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|------------------------------|
| RE: INVESTIGATION AND SUSPENSION) | INVESTIGATION AND SUSPENSION |
| OF THE TARIFF SHEET ACCOMPANYING) | DOCKET NO. 1658 |
| ADVICE LETTER NO. 15, FILED BY) | |
| NUNN TELEPHONE COMPANY TARIFF) | RECOMMENDED DECISION OF |
| COLORADO P.U.C. NO. 1 - TELEPHONE) | EXAMINER ROBERT E. TEMMER |

September 13, 1984

STATEMENT

On June 12, 1984, Nunn Telephone Company, the Respondent, filed its Advice Letter No. 15, dated June 11, 1984, and accompanying tariff sheets with this Commission. The Commission issued its Decision No. C84-740 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 23, 1984, requesting that its Advice Letter No. 15 be withdrawn. The request should be granted.

ORDER

THE COMMISSION ORDERS THAT:

1. Nunn Telephone Company, the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 15, and accompanying tariff sheets, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1658 be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within 20 days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
saw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF THE TARIFF SHEET ACCOMPANYING)
ADVICE LETTER NO. 61, FILED BY)
EASTERN SLOPE RURAL TELEPHONE)
ASSOCIATION, INC. TARIFF COLORADO)
P.U.C. NO. 2 - TELEPHONE.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1659

RECOMMENDED DECISION OF
EXAMINER ROBERT E. TEMMER

- - - - -
September 13, 1984
- - - - -

STATEMENT


On June 14, 1984, Eastern Slope Rural Telephone Association, Inc., the Respondent, filed its Advice Letter No. 61, dated June 12, 1984, and accompanying tariff sheet with this Commission. The Commission issued its Decision No. C84-741 on June 22, 1984, suspending the effective date of the filing, and setting the matter for hearing. The Respondent filed a letter with the Commission on July 20, 1984, requesting that its Advice Letter No. 61 be withdrawn. The request should be granted.

ORDER

THE COMMISSION ORDERS THAT:

1. Eastern Slope Rural Telephone Association, Inc., the Respondent herein, is hereby granted authority to withdraw its Advice Letter No. 61, and accompanying tariff sheet, and said filing shall be of no further force or effect.
2. Investigation and Suspension Docket No. 1659 be, and hereby is, closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by C.R.S. 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of C.R.S. 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
saw

(Decision No. R84-1001-I)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LOUIE'S CASUAL CAB'S, INC.,)
993 LIONSBRIDGE LOOP,)
BOX 153, VAIL, COLORADO, FOR)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 36317

INTERIM ORDER OF
EXAMINER ROBERT E. TEMMER

September 14, 1984

STATEMENT AND FINDINGS
OF FACT

Protestant Summit Taxi Service, Inc., filed a motion to vacate hearing on August 27, 1984. The hearing for this matter is presently scheduled for November 7 and 8, 1984. It was scheduled by a notice dated August 27, 1984. Applicant filed his response to the motion on August 30, 1984.

The grounds alleged in the motion are that "... principal operating officer ..." of Protestant plans to be out of town during the time set for hearing. No indication is given as to whether or not this trip can be rescheduled, or whether or not another officer can attend the hearing.

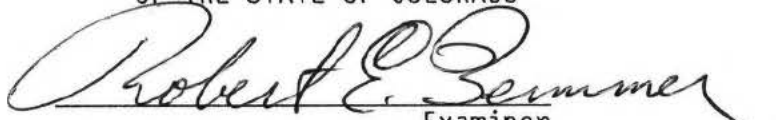
Insufficient grounds have been shown for granting the motion to vacate.

O R D E R

THE EXAMINER ORDERS THAT:

1. The Motion to Vacate Hearing of Protestant, Summit Taxi Service, Inc., filed on August 27, 1984, is denied.
2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. R84-1002-I)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF GREELEY, STATE OF)
COLORADO, FOR AUTHORITY TO REVISE)
THE SIGNALS AT THE CROSSING OF)
THE UNION PACIFIC RAILROAD)
COMPANY AND 13TH STREET, IN THE)
CITY OF GREELEY, STATE OF)
COLORADO.)

APPLICATION NO. 35683

INTERIM ORDER OF
EXAMINER ROBERT E. TEMMER

September 19, 1984

STATEMENT AND FINDINGS
OF FACT

The Union Pacific Railroad Company filed a motion for continuance on August 13, 1984. Staff filed a response on August 21, 1984.

It now appears that an agreement has been entered into which eliminates the need for a hearing.

O R D E R

THE EXAMINER ORDERS THAT:

1. The hearing scheduled for September 4, 1984, in Greeley, Colorado, is vacated.
2. This matter shall be further considered on the Commission's modified procedure docket.
3. Applicant shall file any additional information or documents requested by the Staff of the Commission, including affidavits from supporting shippers and/or concerning the Applicant.
4. This matter shall be considered under the Commission's modified procedure docket pursuant to Rule 17 of the Rules of Practice and Procedure of this Commission and CRS 40-6-109(5).
5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF TEN-THIRTY-TWO SERVICES, INC.,)
P.O. BOX 774235, STEAMBOAT SPRINGS,)
COLORADO 80477 FOR AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36219

INTERIM ORDER OF
EXAMINER ROBERT E. TEMMER

September 20, 1984

STATEMENT AND FINDINGS
OF FACT

The Applicant filed a motion to restrictively amend its application on August 29, 1984. Protestants Alpine Delivery Service, Wells Fargo Armored Service Corporation, and Pony Express Courier Corporation all filed letters withdrawing their protests on September 4, 1984. Applicant filed a letter request to vacate the hearing and to place the matter on modified procedure on September 4, 1984.

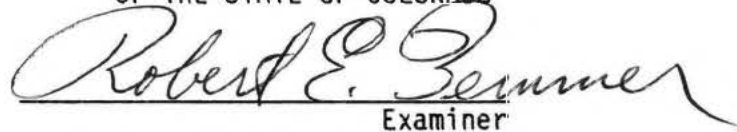
The motions should be granted.

O R D E R

THE EXAMINER ORDERS THAT:

1. The Motion to Restrictively Amend Application filed by Applicant on August 29, 1984, is granted. Any authority issued in this proceeding shall not exceed the scope of authority set forth in Paragraph II of that motion.
2. The hearing scheduled for September 5, 1984, in Steamboat Springs, Colorado, is vacated.
3. Applicant shall file any additional information or documents requested by the Staff of the Commission, including affidavits from supporting shippers and/or concerning the Applicant.
4. This matter, now being unopposed, shall be considered under the Commission's modified procedure docket pursuant to Rule 17 of the Rules of Practice and Procedure of this Commission and CRS 40-6-109(5).
5. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF DON SOULE, DOING BUSINESS AS)
CUSTOM TOWING, 4208 SHELLY)
AVENUE, COLORADO SPRINGS,)
COLORADO 80910, FOR AUTHORITY)
TO OPERATE AS A CONTRACT CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36408-PP

INTERIM ORDER OF
EXAMINER ROBERT E. TEMMER

September 13, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

The above-entitled application was filed on June 14, 1984. The Commission gave notice of the application in its regular notice issued July 2, 1984. That notice read as follows:

For a Class "B" Permit, to operate as a contract carrier by motor vehicle for hire for the transportation of machinery and equipment requiring S.M.E. licensing between all points in the County of El Paso, State of Colorado and between said points, on the one hand, and all points in the State of Colorado, on the other hand. Restricted to providing transportation services for the following named customers only, to wit: OK Tool and Equipment Rental, Colorado Springs, Colorado; and Bublitz Machine Rental, Sedalia, Colorado.

Bob's Auto Service, Inc., filed its protest to the application on July 9, 1984, setting forth that it had Certificate of Public Convenience and Necessity PUC No. 16795.

Applicant filed a Motion to Strike Protest of Bob's Auto Service on August 2, 1984, alleging that Protestant would not be authorized by its certificate to haul the type of traffic involved in this application. Protestant filed its response to the motion to strike on August 10, 1984. Protestant also filed a brief in support of its response. In the response, Protestant states that it not only holds the certificate, but that it also holds Towing Carrier Permit No. T-73. In its brief, Protestant states " . . . Inadvertently, Bob's Protest stated only its existing Common Carrier Authority (Certificate No. 16795-total loss settlement and salvage vehicles) as the basis for its protest. The precise basis of authority was and is Bob's Towing Carrier Permit T-73." Protestant, in its brief, goes on and sets forth several arguments.

Rule 7 of the Rules of Practice and Procedure of this Commission sets forth definitions about participants in proceedings. It provides, "The two classes of parties to proceedings before the Commission are those who have entered an appearance as a matter of right and those who have been granted permission by the Commission to intervene. 1. Those persons who have a right to be a party to a proceeding before the Commission are those who are granted

such right by statute, or those who have a legally protected interest or right in the subject matter which may be affected by the proceedings." Protestant in this proceeding takes the position that it fits within that definition and argues that it has a right to be a party to the proceeding. Protestant has conceded that it does not base this right on its certificate, but contends that its T-Permit was the basis for this assertion. A towing carrier T-Permit is not transferable. Towing carriers do not have to establish public need for their service before their permit is issued. They are not subject to the legal doctrines of regulated monopoly and regulated competition. Such permits are insufficient to form the basis for entering an appearance in a proceeding as a matter of right, and do not establish sufficient standing for a protestant. Such permit might form the basis for granting a permissive intervention in a proceeding. However, that course was not followed here. Protestant argues that its T-Permit will be affected by any order entered in this proceeding. The argument is that an inference might be drawn by the grant of an authority in this proceeding that such activity would not be allowed under a T-Permit. This argument might be the basis for permissive intervention; however, it is insufficient to support the entry of an appearance as a matter of right. The inference would be a legal conclusion concerning what service can be performed pursuant to a T-Permit. That is a matter covered by statute, and will not be affected by this proceeding.

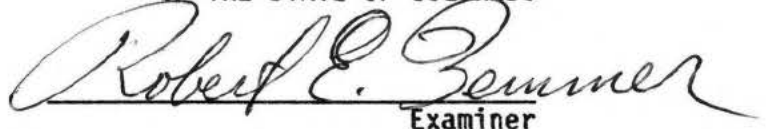
Protestant does raise an issue concerning the notice given in this proceeding. As set forth above, the notice simply states "... requiring S.M.E. licensing" This notice does not contain a definition of what S.M.E. means, and does not specify who does the licensing. As noted by Protestant, the Colorado Statutes do not contain any reference to S.M.E. licensing. Presumably, what is meant are those items defined in C.R.S. 42-1-102(43). However, it appears that the notice given is insufficient. A more precise definition should be drafted, and this application should be renoticed.

ORDER

THE EXAMINER ORDERS THAT:

1. The Motion to Strike Protest filed by Applicant on August 2, 1984, is granted. The protest filed by Bob's Auto Service, Inc., on July 9, 1984, is stricken.
2. Applicant shall cooperate with the Staff of this Commission and draft a new authority description. Applicant shall amend its application with the new authority description. After said amendment has been received, this application shall be renoticed.
3. The hearing scheduled for September 21, 1984, in Denver, Colorado, is vacated.
4. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

0080g

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE TARIFF SHEETS)
ACCOMPANYING ADVICE LETTER NO. 49)
FILED BY COLORADO-UTE ELECTRIC)
ASSOCIATION, INC., FOR REVISION)
OF THE CONTRACTS OF COLORADO-UTE)
FOR WHOLESALE ELECTRIC SERVICE TO)
MEMBERS OF COLORADO-UTE.)

CASE NO. 6347

INTERIM ORDER OF
EXAMINER WILLIAM J. FRITZEL

- - - - -
September 14, 1984
- - - - -

STATEMENT

On July 18, 1984, Respondent Colorado-Ute Electric Association, Inc. filed a letter requesting that it be allowed to delay the setting of a hearing date of the above captioned matter.

On March 19, 1984, in Interim Order R84-327-I, the undersigned Examiner vacated the hearing dates of this matter set for March 28 and 29, 1984, for the reason that a case directly affecting the subject matter of the above captioned action was pending in The District Court, Montrose, Colorado. Respondent was directed to reset the matter for hearing on a date certain after July 1, 1984. In its letter filed July 18, 1984, Respondent Colorado-Ute Electric Association, Inc., indicates that the proceeding in Montrose County District Court is still pending. Consequently, Colorado-Ute Electric Association, Inc. requests that it be permitted to delay the rescheduling of hearing dates in this matter until 30 days after the final order entered by the Montrose Court in Commission Decision Nos. C83-1176, C83-1392 and C83-1561.

No reply to the above request has been received by opposing parties.

Good cause having been shown, the request of Respondent Colorado-Ute Electric Association, Inc. will be granted in the order which follows.

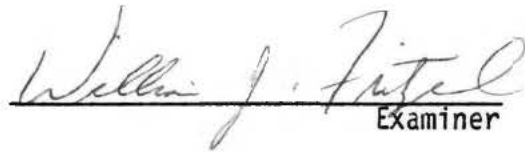
O R D E R

THE EXAMINER ORDERS THAT:

1. Respondent Colorado-Ute Electric Association, Inc. is ordered to reset the above captioned matter for hearing on dates certain within 30 days after the entry of a final order by the Montrose County District Court concerning the appeal of Commission Decision Nos. C83-1176, C83-1392 and C83-1561.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

nrg:5142A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE PUBLIC)
UTILITIES COMMISSION OF THE STATE)
OF COLORADO REGULATING THE SERVICE)
OF GAS UTILITIES WITHIN THE STATE)
OF COLORADO: RULE 14 RELATING TO)
METERS AND SERVICE CONNECTIONS.)

CASE NO. 5321
INTERIM ORDER OF
EXAMINER WILLIAM J. FRITZEL

September 13, 1984

STATEMENT

The above captioned case was heard by the undersigned Examiner on June 29, 1984. At the conclusion of the case, it was orally ordered that statements of position were due 20 days after the filing of the transcript of the hearing and reply statements were due 10 days thereafter. The transcript was filed on August 16, 1984.

On July 26, 1984, Staff of the Commission filed a motion requesting an extension of filing dates for the reason that Staff's attorney due to a heavy case load and a matter which required him to be out of state from August 5 to August 17, 1984, would not be able to meet the filing dates. Staff requests that the dates for filing of statements of position be extended to October 1, 1984, and reply statements be extended to October 11, 1984.

No response from opposing parties was filed.

Good cause having been shown, the motion of Staff will be granted.

O R D E R

THE EXAMINER ORDERS THAT:

1. The date for the filing of statements of position in the above captioned case is extended to October 1, 1984. The filing date for reply statements is extended to October 11, 1984.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 1161 FROM LESTER G. MASON,)
DOING BUSINESS AS STERLING CAB)
COMPANY, TO JERRY, JEAN, AND)
LARRY WARD, DOING BUSINESS AS)
STERLING CAB COMPANY, 14508)
HIGHWAY 14, STERLING, COLORADO.)

APPLICATION NO. 36113-Transfer

INTERIM ORDER OF
EXAMINER ARTHUR G. STALIWE

September 13, 1984

STATEMENT

On July 5, 1984, pursuant to Decision No. R84-754-I, this Examiner ordered that counsel for Applicant inform the Commission within 10 days which days were available for hearing to the parties in this matter. No response was received.

Additionally, the Examiner made telephonic request a few weeks ago inquiring as to when the parties might be available for hearing. Again, there has been no response. With that in mind, it will be the order of the Examiner that counsel for Applicant inquire of all parties and inform this Commission of the earliest available dates for hearing in this matter. Failure to respond within 10 days of the date of this Order will result in the dismissal of the application for failure to prosecute.

ORDER

THE EXAMINER ORDERS THAT:

1. Counsel for Applicant in this matter will inquire of all other parties and inform the Commission within 10 days of the date of this Interim Order of the earliest date that all parties are available for hearing.
2. Failure to inform the Commission within 10 days of the date of this Order will result in the dismissal of this application for failure to prosecute.
3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--------------------------------------|--------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF DANIEL TRUJILLO, DOING BUSINESS) | APPLICATION NO. 36196-PP |
| AS "TRUJILLO TRUCKING," 519 30) | |
| ROAD, GRAND JUNCTION, COLORADO) | ORDER OF THE COMMISSION |
| FOR AUTHORITY TO OPERATE AS A) | |
| CLASS "B" CONTRACT CARRIER BY) | |
| MOTOR VEHICLE FOR HIRE.) | |

September 11, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that a protest was timely filed by E. James Adams, doing business as "Art's Mobile Home Transport," however, this protest was subsequently withdrawn. The herein proceeding is therefore now noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

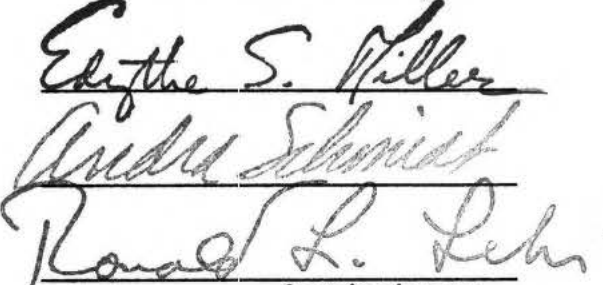
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

AND IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. C84-1008
September 11, 1984

Trujillo Trucking

Transportation of

Empty trailers

Between all points in the area comprised of the Counties of Mesa, Delta, Garfield, Eagle, Summit, Clear Creek, and Jefferson, State of Colorado.

RESTRICTION: This Permit is restricted as follows:

Restricted to rendering transportation services for the following named customers only, to wit: Elder, Quinn, and McGill, Inc., Grand Junction, Colorado; and Mountain States Mobile Storage, Grand Junction, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|------------------------------------|--------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF GROENDYKE TRANSPORT, INC.,) | APPLICATION NO. 36445-PP |
| P. O. BOX 632, ENID, OKLAHOMA) | |
| FOR AUTHORITY TO OPERATE AS A) | ORDER OF THE COMMISSION |
| CLASS "B" CONTRACT CARRIER BY) | |
| MOTOR VEHICLE FOR HIRE.) | |

September 11, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

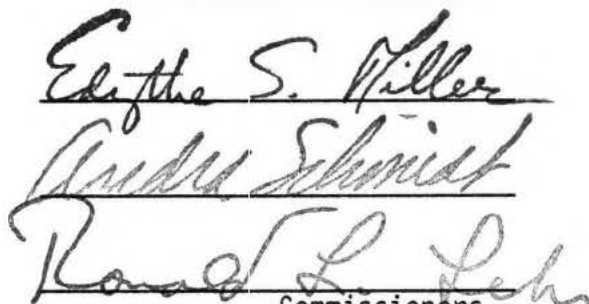
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

AND IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. C84-1009
September 11, 1984

Groendyke Transport, Inc.

Transportation of

Portable storage tanks and emulsion mixing equipment

Between all points in Colorado.

RESTRICTION: This Permit is restricted as follows:

Restricted to rendering transportation services for the following named customer only, to wit: Southwest Emulsions, Inc., Albuquerque, New Mexico.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF T & S DELIVERY SERVICE, INC.,) APPLICATION NO. 36454-PP-Extension
4507 RANCH CIRCLE, COLORADO)
SPRINGS, COLORADO FOR AUTHORITY) ORDER OF THE COMMISSION
TO EXTEND OPERATIONS UNDER)
CONTRACT CARRIER PERMIT NO. B-9327.)

- - - - -
September 11, 1984
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered.

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and that it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

AND WE FURTHER FIND, That Applicant named in the caption above is fit, willing and able to properly perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-9327 to include the following:

"Transportation of

New and used household furniture

Between the facilities of Grantree Furniture, in Colorado Springs, Colorado, on the one hand, and points within the Counties of El Paso, Teller, Pueblo, Fremont, Huerfano, Crowley, Custer, Elbert, Douglas, Park, and Otero, State of Colorado, on the other hand.

RESTRICTION: This Permit is restricted as follows:

- (a) Restricted to delivery of items requiring uncrating, preparation and/or installation in customer residence.
- (b) Restricted to rendering transportation services for the following named customer only, to wit: Grantree Furniture, Colorado Springs, Colorado."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit No. B-9327 as extended, shall read and be as set forth in the Appendix attached hereto and this Order shall be deemed to be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

André Skynish

Ronald L. Lehn

Commissioners

Appendix
Decision No. C84-1010
September 11, 1984

T & S Delivery Service, Inc.

I. Transportation of

Appliances and televisions

Between all points in the area comprised of the Counties of El Paso, Teller, Pueblo, Fremont, Huerfano, Crowley, Custer, Elbert, Douglas, Park, and Otero, State of Colorado.

II. Transportation of

New and used household furniture

Between the facilities of Grantree Furniture in Colorado Springs, Colorado, on the one hand, and points within the Counties of El Paso, Teller, Pueblo, Fremont, Huerfano, Crowley, Custer, Elbert, Douglas, Park, and Otero, State of Colorado, on the other hand.

RESTRICTIONS: This Permit is restricted as follows:

- (a) Item No. (I) is restricted to rendering transportation services for the following named customer only, to wit: Gorden Shouse T.V., Inc., Colorado Springs, Colorado.
- (b) Item No. (II) is restricted to delivery of items requiring uncrating, preparation and/or installation in customer residence.
- (c) Item No. (II) is restricted to rendering transportation services for the following named customer only, to wit: Grantree Furniture, Colorado Springs, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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| IN THE MATTER OF THE APPLICATION) | |
| OF NAHUA HOLDINGS, INC.,) | APPLICATION NO. 36429-Stock Transfer |
| 6-6624 CENTRE STREET SOUTH,) | |
| P. O. BOX 700, CALGARY ALBERTA,) | ORDER OF THE COMMISSION |
| CANADA, FOR AUTHORITY TO TRANSFER) | |
| ALL OF THE ISSUED AND OUTSTANDING) | |
| SHARES OF CAPITAL STOCK IN AND) | |
| TO U.S. MESSENGER & DELIVERY) | |
| SERVICE, PARENT CORPORATION OF) | |
| UNITED MESSENGERS, INC., RECORD) | |
| OWNER AND OPERATOR OF CERTIFICATE) | |
| OF PUBLIC CONVENIENCE AND NECESSITY) | |
| PUC NO. 14451, TO BGD CORPORATION,) | |
| c/o CITICORP INVESTORS, LTD.,) | |
| 399 PARK AVENUE, NEW YORK,) | |
| NEW YORK.) | |

September 11, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer of said capital stock.

Wherefore, and good cause appearing therefor.

WE FIND, That the Transferee is fit, willing and able to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 14451 and that the transaction is compatible with the public interest; and that an appropriate Order should be entered.

IT IS ORDERED, That Nahua Holdings, Inc., be, and hereby is, authorized to transfer all of the issued and outstanding shares of capital stock in and to U.S. Messenger & Delivery Service, Parent Corporation of United Messengers, Inc., record owner and operator of Certificate of Public Convenience and Necessity PUC No. 14451 to BGD Corporation, c/o Citicorp Investors, Ltd., 399 Park Avenue, New York, New York.

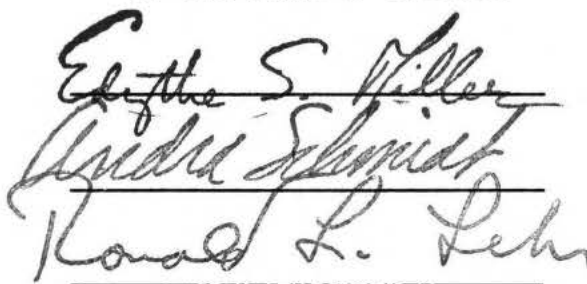
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all the present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said capital stock.

AND IT IS FURTHER ORDERED, That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF BILL J. GEORGE, DOING BUSINESS) | APPLICATION NO. 36384-Transfer |
| AS "GEORGE'S SKEEBUS," GENERAL) | |
| DELIVERY, PAGOSA SPRINGS, COLORADO) | ORDER OF THE COMMISSION |
| FOR AUTHORITY TO TRANSFER ALL) | |
| RIGHT, TITLE AND INTEREST IN) | |
| AND TO CERTIFICATE OF PUBLIC) | |
| CONVENIENCE AND NECESSITY PUC) | |
| NO. 18643, TO HIGH COUNTRY TRANSIT) | |
| AUTHORITY, INC., PAGOSA PLAZA,) | |
| 715 SAN JUAN STREET, PAGOSA) | |
| SPRINGS, COLORADO.) | |

September 11, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer.

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 18643, as granted by Commission Decision No. C83-436 dated March 22, 1983, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order.

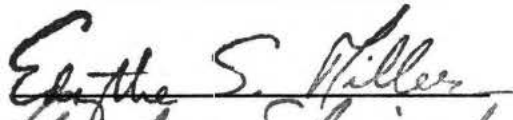
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

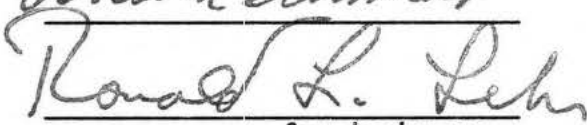
IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EMPIRE DELIVERY, INC.,) APPLICATION NO. 36452-Transfer
3930 BLAKE STREET, DENVER,)
COLORADO FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE AND INTEREST IN)
AND TO CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)
PUC NO. 3766 & I, TO EMPIRE)
EXPRESS, INC., 3930 BLAKE STREET,)
DENVER, COLORADO.)

IN THE MATTER OF THE APPLICATION)
OF EMPIRE DELIVERY, INC.,) APPLICATION NO. 36453-PP-Transfer
3930 BLAKE STREET, DENVER,)
COLORADO FOR AUTHORITY TO TRANSFER) ORDER OF THE COMMISSION
ALL RIGHT, TITLE AND INTEREST IN)
AND TO CONTRACT CARRIER PERMIT)
NO. B-6937, TO EMPIRE EXPRESS,)
INC., 3930 BLAKE STREET, DENVER,)
COLORADO.)

September 11, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfers as hereinafter ordered.

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfers are compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 3766 & I, as granted by Commission Decision No. 65221, dated June 25, 1965, and Contract Carrier Permit No. B-6937, as granted by Commission Decision No. 67344, dated May 9, 1966, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfers shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Certificates and Permit have been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificates and Permit up to the time of transfers.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Arthur Schmitt

Ronald L. Lehn

Commissioners

jkm: noncons/X

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE THE MATTER OF MOTOR VEHICLE)
COMMON AND CONTRACT CARRIERS LISTED)
ON "APPENDIX A" HERETO,)
Respondents.)

RECOMMENDED DECISION OF
EXAMINER JOHN P. STUELPNAGEL

- - - - -
September 14, 1984
- - - - -

Appearances: Jonell Poley, Denver, Colorado
of the Staff of the Commission

STATEMENT

Each of the cases listed on the attached Appendix A were instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on August 27, 1984. The matters were duly called for hearing pursuant to such notice on September 10, 1984, at 8:30 a.m., in the Commission Hearing Room, Logan Tower, Office Level 2, 1580 Logan Street, Denver, Colorado by John P. Stuelpnagel assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in Appendix A hereto appeared at the hearing, (except as noted in Appearances above.)

Pursuant to the provisions of CRS 40-6-109, Examiner John P. Stuelpnagel now transmits to the Commission the record of this proceeding and a written recommended decision containing findings of fact, conclusions thereon and the recommended order or requirement.

FINDINGS OF FACT AND CONCLUSIONS THEREON

Based upon all the evidence of record, the following facts are found and conclusions thereon drawn:

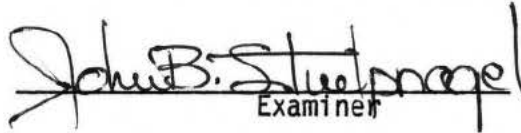
1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in Appendix A hereto, and by reference incorporated hereinto.
2. The said Respondents, (except as noted in Appearances above,) without good cause shown, failed to appear as lawfully ordered by the Commission.
3. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission (and/or failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.)
4. Pursuant to CRS 40-6-109, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of the respective Respondents, as identified in Appendix A attached hereto, and by reference incorporated in this Order, be, and hereby are, suspended as of the effective date of this Order.
2. The operating authorities of each of the Respondents, as identified on Appendix A attached hereto, be, and hereby are, revoked as of the sixtieth (60th) day following the effective date of this Order.
3. Ordering Paragraph 1 shall be null and void and the respective case shall be dismissed by the terms hereof, as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order, which insurance shall cover the entire period, without lapse, for which the Certificate of Insurance was required.
4. Ordering Paragraph 2 shall be null and void with respect to the Respondent who files the required Certificate of Insurance prior to the sixtieth (60th) day following the effective date of this Order.
5. The Commission retains jurisdiction herein to make such further and additional orders as may be just and necessary.
6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
7. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114. In the event exceptions are filed herein to this Recommended Decision by a Respondent, only such part of the Recommended Decision shall be stayed, pursuant to CRS 40-6-109, as to the particular case involved in said Respondent's exceptions.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jw:5183A

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|--|----------------|-----------------|
| A OF I, INC. Box 58 Hamilton, IN 46742 | 13245-I | 15643-Ins. |
| ARROWHEAD, INC. P. O. Box 667 Watertown, SD 57201 | 16409-I | 15648-Ins. |
| Randy D. and Joy J. Booco dba B & B TOWING SERVICE 733 South 1st Hayden, CO 81639 | T-1786 | 15649-Ins. |
| BAYLINER MARINE CORPOR- ATION P. O. Box 24467 Seattle, WA 98134 | 18218-I | 15650-Ins. |
| A. J. Bobbitt P. O. Box 557 Toast, TN 27049 | 19641-I | 15652-Ins. |
| Robert Lee Anders dba BOBBY'S GARAGE 601 West Cucharas Colorado Springs, CO 80905 | T-1206 | 15653-Ins. |
| BRYSON INDUSTRIAL SERVICES, INC. 411 Burton Road Lexington, SC 29072 | 20267-I | 15654-Ins. |
| C & L TRUCKING, INC. P. O. Drawer F Judsonia, AR 72081 | 13305-I | 15656-Ins. |
| Clifford Hall dba C & R CHARTERING CO., INC. 602 North Broadway La Porte, TX 77571 | 20344-I | 15657-Ins. |
| Virgil N. and Donna Campbell dba CAMPBELL TRANSPORT 2276 Broadway Grand Junction, CO 81503 | 21383-I | 15658-Ins. |
| CHAIR MOUNTAIN JEEP TOURS, INC. 0158 County Road 3 Gunnison County Carbondale, CO 81623 | 15359 | 15660-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|---|----------------|-----------------|
| CHANCE TRUCKING, INC. 10390 West 77th Drive Arvada, CO 80005 | 21512-I | 15661-Ins. |
| CHANCE TRUCKING, INC. 10390 West 77th Drive Arvada, CO 80005 | B-9345 | 15662-Ins. |
| CHEROKEE TRANSPORTATION, INC. P. O. Box 69 Norcross, GA 30091 | 16571-I | 15664-Ins. |
| Allen Wilson and Nina Jeanette Craig dba CRAIG TRUCKING 4923 West Aster Drive Glendale, AZ 85304 | 21413-I | 15668-Ins. |
| Calvin F. and Frank H. Crutsinger dba CRUTSINGER TRUCKING P. O. Box 31135 Billings, MT 59107-1135 | 21288-I | 15671-Ins. |
| Dale H. Young dba DHY TRANSPORT 7304 South 300 West, Suite 201 Midvale, UT 84047 | 14237-I | 15673-Ins. |
| D & M EXPRESS, INC. Route 19, Road 1 Evans City, PA 16033 | 20514-I | 15674-Ins. |
| Donald L. Steiner dba DON'S FILLMORE CONOCO 1302 East Fillmore Colorado Springs, CO 80907 | T-1023 | 15675-Ins. |
| Duane Durham 801 South Nevada Box 624 Belgrade, MT 59714 | 20467-I | 15676-Ins. |
| E A SWEEN COMPANY 16101 West 78th Street Eden Prairie, MN 55344 | 14693-I | 15677-Ins. |
| EIGHT BALL LINE TRUCKING, INC. 2717 Goodrick Avenue Richmond, CA 94801 | 16175-I | 15678-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|---|----------------|-----------------|
| Bernie Evelo 800 Speedway Avenue E. Missoula, MT 59801 | 14470-I | 15679-Ins. |
| FLEETLINE, INC. 122 Spanish Village, Suite 558 Dallas, TX 75248 | 21513-I | 15682-Ins. |
| FLINT HILLS TRANS- PORTATION CO., INC. 2825 Rio Vista Drive Emporia, KS 66801 | 19344-I | 15683-Ins. |
| Robert E. Foster Route 1 Riverdale, NE 68870 | 19345-I | 15684-Ins. |
| FOUR-WAY TRUCKING, INC. P. O. Box 3024 Teaneck, NJ 07666 | 14212-I | 15685-Ins. |
| Roy D. Fox 761 Bent Akron, CO 80720 | 7877-I | 15686-Ins. |
| Joe R. French Box 34 Oelrichs, SD 57763 | 15077-I | 15687-Ins. |
| Mtn. Sts. Leasing & Renting, Inc. dba FRISCO CHEVRON P. O. Box 678 Frisco, CO 80443 | T-1378 | 15688-Ins. |
| D. R. and R. L. Gerlach dba GERLACH TRUCKING 29000 SW 72nd Hallam, NE 68368 | 21199-I | 15689-Ins. |
| GREENE COACH CO., INC. 126 Bohannon Avenue Greeneville, TN 37743 | 14362-I | 15690-Ins. |
| Bradley D. Griebel Box 14 Halsey, NE 69142 | 17894-I | 15692-Ins. |
| GRIGGS TRUCKING, INC. Route 3, Box 480 St. Joseph, MO 64505 | 20884-I | 15693-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|--|----------------|-----------------|
| H & S MOTOR LINES, INC. P. O. Box 248 Wesson, MS 39191 | 21495-I | 15694-Ins. |
| HONEY CREEK EXPRESS CO. (THE) Box 276 Blakesburg, IA 52536 | 20358-I | 15696-Ins. |
| Leverett Hunt Rt 2, Box 37 A Franklinton, LA 70438 | 19861-I | 15697-Ins. |
| L. L. Klein Route 1, Box 245G Roswell, NM 88201 | 13431-I | 15700-Ins. |
| John H. Krebs dba KREBS TRUCKING 15706 South 87 Papillion, NE 68128 | 18664-I | 15701-Ins. |
| Gene Kyker dba KYKER TRANSPORT CO. 303 Sunset Lane Mt. Morris, IL 61054 | 15072-I | 15702-Ins. |
| L & P ENTERPRISES, INC. RR #1 Redfield, KS 66769 | 17234-I | 15704-Ins. |
| Doyle Love dba LOVE TRUCKING Route 1, Box 438 Mabank, TX 75147 | 17392-I | 15705-Ins. |
| MABE BROTHERS ENTER- PRISES, INC. 5591 Williams Road Norcross, GA 30093 | 13860-I | 15706-Ins. |
| MARION'S TRANSFER, INC. 3011 North 30th Street Milwaukee, WI 53210 | 21039-I | 15707-Ins. |
| Jerry D. Martin dba MARTIN TRUCKING CO. P. O. Box 3635 Alliance, OH 44601 | 21124-I | 15708-Ins. |
| Neal E. Michelson dba MICHELSON TRUCKING P. O. Box 222 Flasher, ND 58535 | 20273-I | 15709-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|--|----------------|-----------------|
| T. D. Nash dba T. D. NASH TRUCKING P. O. Box 511 Spring, TX 77373 | 18803-I | 15713-Ins. |
| Greg Ballantyne and David Murphy dba NIGHTHAWK COMPANY (THE) P. O. Box 185 Pecos, NM 87552 | 20995-I | 15716-Ins. |
| NOOKSACK VALLEY TRANS- PORT, INC. 1867 E. Pole Road Everson, WA 98247 | 14675-I | 15717-Ins. |
| Paul Hartley dba NORTHWEST FREIGHT State Highway 15 North Lafayette, MN 56054 | 18313-I | 15719-Ins. |
| Mark A. Odom dba MARK ODOM TRUCKING P. O. Box 689 Connell, WA 99326 | 15252-I | 15720-Ins. |
| ORIO'S TRUCK-TRAILER RENTALS, LTD. 90 Advance Road Toronto Ontario, Canada M8Z 2T7 | 20500-I | 15721-Ins. |
| PASCO TRUCKING CO., INC. 957 Little E. Neck Road West Babylon, NY 11704 | 21249-I | 15725-Ins. |
| Daniel A. Barnard dba PIP'S TRUCKING CO. P. O. Box 365 Donalsonville, GA 31745 | 21111-I | 15726-Ins. |
| Henry L. Davis and Linda M. Davis dba POKER FLATS TRANSPORT White Bird Road Columbus, MT 59019 | 20080-I | 15727-Ins. |
| PRIDE TRANSPORT 1102 West 2100 S. "C" Salt Lake City, UT 84104 | 16614-I | 15728-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|--|----------------|-----------------|
| Dennis True dba R & R TRUCKING Wauneta, Nebraska 69045 | 19990-I | 15729-Ins. |
| Richard Hoagland dba R V EXPRESS R R 1 Minatare, NE 69356 | 20176-I | 15730-Ins. |
| Amelia G. Ramirez 440 Cheyenne Drive Lantana, FL 33462 | 21521-I | 15731-Ins. |
| S & N TRUCKING, INC. 3297 Betsy Ross Way Boise, ID 83706 | 20642-I | 15734-Ins. |
| Outlaw Enterprises, Inc. dba SONTEX CO. 2537 Rubidoux Blvd. Riverside, CA 92509 | 17774-I | 15738-Ins. |
| STREAMSIDE FARMS TRUCKING, INC. Route 5 Sinking Springs, PA 19608 | 17071-I | 15740-Ins. |
| SUGARLAND EXPRESS, INC. 6623 Kansas Avenue Kansas City, KS 66111 | 14632-I | 15741-Ins. |
| George W. Sumers, III 707 Hardy El Campo, TX 77437 | 19502-I | 15742-Ins. |
| T. G. Swarb dba SWARB TRUCKING CO. 10409 O'Donnell Houston, TX 77076 | 19415-I | 15743-Ins. |
| Arvin Van Rheenen Route 1 Otley, IA 50214 | 19491-I | 15746-Ins. |
| VERNE'S AUTO SALES, INC. 2804 Hwy. 45 North Antigo, WI 54409 | 18714-I | 15747-Ins. |
| Lyndel E. Wallace P. O. Box 389 Verden, OK 73092 | 19770-I | 15748-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

NAME AND ADDRESS

PUC NO.

CASE NO.

Donald J. Watson dba
DON WATSON'S BODY SHOP
855 Grande Avenue
Del Norte, CO 81132

T-1691

15749-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|------------------------------------|--------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF THE DENVER AND RIO GRANDE) | APPLICATION NO. 36150 |
| WESTERN RAILROAD COMPANY, A) | |
| CORPORATION, FOR AUTHORITY TO) | INTERIM ORDER OF |
| DISCONTINUE ITS AGENCY STATION) | EXAMINER THOMAS F. DIXON |
| AT CANON CITY, COLORADO.) | |

September 14, 1984

STATEMENT

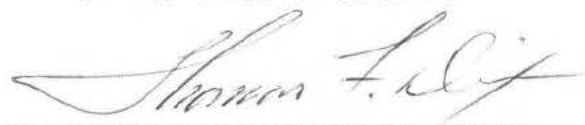
This matter was set for hearing on August 22, 1984, at 9 a.m., in Canon City, Colorado. At the time the hearing was set, a protest had been filed by Earl L. Nielsen, Director, Colorado State Legislative Committee, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees. In addition, a letter had been filed by R. W. Mai, Vice President, Brotherhood of Railway and Airline Clerks--AFL-CIO. On August 20, 1984, Mr. Nielsen and Mr. Mai withdrew any objection which the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees might have to the closing of this agency station. In the event the withdrawal of protest is approved, this matter is then uncontested and is ripe for consideration under the Commission's modified procedure docket. The request to withdraw the protest to this application should be granted, and this matter should be transferred to the modified procedure docket.

ORDER

THE EXAMINER ORDERS THAT:

1. The request to withdraw protest filed on behalf of the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees is granted.
2. The hearing scheduled for August 22, 1984, at 9 a.m., in Canon City, Colorado, is hereby vacated.
3. This matter shall be transferred to the Commission's modified procedure docket for consideration.
4. Applicant shall comply with requests of the Staff of the Commission to provide any affidavits requested in support of this application.
5. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MILE-HI EXPRESS, INC., FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 7955.)

APPLICATION NO. 36332-Extension-
Amended-TA

INTERIM ORDER OF
EXAMINER ROBERT E. TEMMER

September 14, 1984

STATEMENT

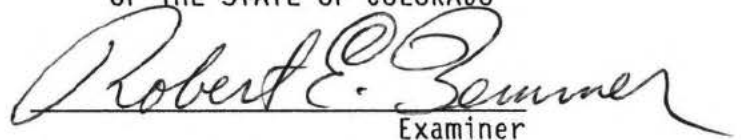
Applicant filed its Motion to Strike the Reply of Northwest Transport Service, Inc. to Applicant's Petition for Reconsideration on July 20, 1984. Applicant is correct that the Rules of Practice and Procedure do not allow responsive pleadings to applications for rehearing, reargument, or reconsideration.

ORDER

THE EXAMINER ORDERS THAT:

1. The Reply to Petition of Applicant filed by Northwest Transport Service, Inc., on July 16, 1984, is stricken.
2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. R84-1017-I)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|----------------------------------|---|---------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF MILE-HI EXPRESS, INC., 1335 |) | APPLICATION NO. 36332-Extension |
| EAST 40TH STREET, DENVER, |) | |
| COLORADO, FOR AUTHORITY TO |) | INTERIM ORDER OF |
| OPERATE AS A COMMON CARRIER BY |) | EXAMINER ROBERT E. TEMMER |
| MOTOR VEHICLE FOR HIRE. |) | |

September 14, 1984

STATEMENT

Applicant filed its Motion to Compel Further Response to Discovery on August 24, 1984. No reply was filed. The motion is directed to the answers of RAC Transport Company, Inc. The grounds stated in the motion are sufficient.

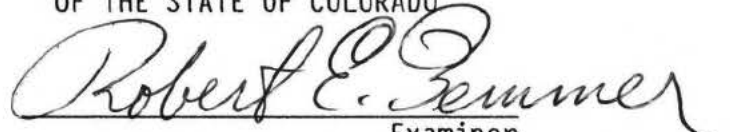
ORDER

THE EXAMINER ORDERS THAT:

1. RAC Transport Company, Inc., shall within five days of the effective date of this Order provide answers to Paragraphs 3, 4, 9, and 15 of the interrogatories and request to produce served by Applicant, as outlined in the Motion to Compel Further Response to Discovery filed by Applicant on August 24, 1984.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|----------------------------------|---|-------------------------|
| IN THE MATTER OF THE APPLICATION |) | APPLICATION NO. 32603 |
| OF PUBLIC SERVICE COMPANY OF |) | |
| COLORADO FOR AN ORDER AUTHOR- |) | ORDER OF THE COMMISSION |
| IZING IT TO INCLUDE IN ITS PUC |) | DENYING APPLICATION FOR |
| NO. 5 - ELECTRIC TARIFF AN |) | REHEARING, REARGUMENT |
| ELECTRIC ADJUSTMENT CLAUSE. |) | OR RECONSIDERATION. |

- - - - -
September 11, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 25, 1984, Hearings Examiner John B. Stuelpnagel entered Recommended Decision No. R84-606, in the above-captioned matter. In essence, Examiner Stuelpnagel recommended adoption of the Staff's incentive plan for the Fort St. Vrain nuclear generating station which is operated by Public Service Company of Colorado (Public Service or Company). Thereafter Vercenia Belcher and the Concerned Citizens Congress of Northeast Denver (Concerned Citizens) and Public Service filed exceptions to the recommended decision.

On August 8, 1984, pursuant to Decision No. C84-874, the Commission denied exceptions which had been filed by Concerned Citizens and Public Service, respectively. The Commission also struck certain portions of the exceptions which had been filed by Public Service on June 14, 1984.

On August 28, 1984, Public Service timely filed an "Application of Public Service Company of Colorado for Rehearing, Reargument or Reconsideration." By this pleading, Public Service not only incorporated its filed exceptions, but also raised additional points. The Commission has decided that Public Service's application for rehearing, reargument or reconsideration does not set forth sufficient factual or legal grounds for the granting thereof, or any portion thereof, and that it should be denied. The Commission also notes that in its application for rehearing, reargument or reconsideration, Public Service requests that this Commission stay the effectiveness of Decision No. C84-874 pending the completion of judicial review. Inasmuch as the Commission is of the opinion that its decision with regard to the Fort St. Vrain incentive plan is factually and legally correct, we do not find that Public Service's request that this Commission stay the operation of Decision No. C84-874 persuasive, and accordingly, its request will be denied.

It is necessary to recognize that this Commission is not legally obligated to discuss every issue or bit of evidence presented in a hearing. Publishers Paper Company v. Davis, 28 Ore. App. 189, 552 P.2d 891, 897 (1977). The same reasoning, of course, would apply to issues raised in pleadings. Nevertheless, the Commission will comment upon certain matters which have been raised by Public Service.

1. ALLEGED LACK OF NOTICE. It is unquestionably clear that the Hearings Examiner, in his Recommended Decision No. R84-606, contemplated that the capacity payment rates and the energy payment rates would reflect a final order in Investigation and Suspension Dockets No. 1603 and No. 1604 for treatment of Fort St. Vrain as a category No. 3 independent power producer. As we pointed out in Decision No. C84-874, August 8, 1984, in I&S Dockets No. 1603 and No. 1604 it was provided that "in calculating X and Y for QF's (qualifying facilities) with less than twelve months history, the summation shall be performed over the months the QF has been operating." (See page 6, Decision No. C84-635, dated May 30, 1984; emphasis supplied). In other words, the build-up methodology was specifically adopted in I&S Dockets No. 1603 and No. 1604. It may be argued that the build-up methodology was only to be applicable to QF's that had less than twelve months' history, and not to Fort St. Vrain which, in fact, already has a twelve months' history but that argument is without merit. It really makes no difference. The Commission is free to adopt a build-up methodology with respect to Fort St. Vrain irrespective of whether or not it already has a twelve months' and greater operating history. Staff witness Wendling, in his pre-filed direct testimony (Ex. B, p. 10-11) indicated his proposed 12 months plan was tentative pending a final Commission Order in I&S 1603 and I&S 1604.

Curiously, Public Service has attempted to put the Commission in a Catch-22 position. In its exceptions, Public Service vigorously argued that the incentive plan adopted by the Examiner constituted retroactive ratemaking inasmuch as the incentive formula would use data not only from the current month, but also from the preceding eleven months prior to the adoption of the incentive plan in a final Commission order. Public Service said on page 20 of its exceptions, "Not only must the standard be applied on a prospective basis; it also must be based upon events occurring after its adoption only." In its order ruling upon exceptions, the Commission clearly indicated that the operation of the incentive formula would take into account only months of operation occurring after the adoption of the plan. Unquestionably, the operation of a build-up plan whereby, in the first month following adoption of the plan, only the first month is taken into consideration, and in the second month following adoption, the first two months shall be taken into account, etc. until the build-up of a rolling average of twelve months, eliminates any colorable claim of unlawful retroactivity. Whether or not Public Service's retroactivity argument has any legal merit or not, the adoption of a build-up plan completely eliminates retroactivity as a viable legal issue in this matter. In spite of that Public Service now objects to the build-up plan, saying in effect that the Commission cannot adopt a build-up plan since no one heretofore has proposed the plan. It is a clever but fallacious argument.

Cutting through the underbrush planted by Public Service, what is the essence of its fallacious legal argument in this regard? It is simply this: If party No. 1 presents plan A, party No. 2 presents plan B, and party No. 3 presents plan C, then the Commission is legally obligated to adopt plan A, plan B, plan C, or none of them. The argument, as Public Service should well know, is not tenable inasmuch as the Commission is not bound to consider only that which is presented to it. See Ohio & Colorado Smelting & Refining Company v. Public Utilities Commission, 68 Colo. 137, 187 P. 1082 (1920). There is no question that the Commission has the legal authority to modify any proposal presented to it so long as the plan as finally adopted does not go so far afield from the original proposals presented by the parties as to offend fundamental elements of due process of law. Public Service's claim that it was surprised by the Commission's adoption of a build-up plan is ill founded, especially when the Commission's adoption of the build-up plan was specifically in response to Public Service's claim of retroactivity in the plan adopted by the Examiner. Obviously, the plan as finally adopted by the Commission differs from the plan initially adopted by the Examiner only

in respect to whether the months to be considered commence only from the time of the Commission's final adoption, or whether the months to be considered would also include eleven months prior to the Commission's final adoption of the incentive plan. Public Service's contention is not convincing.

2. THE AGREEMENTS BETWEEN PUBLIC SERVICE AND GENERAL ATOMIC.

Public Service appears to contend that the fact that it had negotiated favorable agreements with General Atomic, whereby General Atomic would pay Public Service over \$225 million in past or future payments, was given insufficient consideration by the Commission. Public Service has already alluded to the fact that this Commission, in its Decision No. C84-874, has acknowledged the substantial and significant efforts made by Public Service to supply nuclear-generated electric power at the lowest possible cost to its consumers. The Commission is aware not only of Public Service's agreements with General Atomic, but also of the efficient operation of the Company's other generating facilities. Nevertheless, it should be well understood that the focus of this particular matter is the operation of Fort St. Vrain, not the general operation of the Company as a whole. Public Service has known for some considerable time that the day of accountability with respect to Fort St. Vrain could not be put off indefinitely. This was specifically stated both in Decision No. C80-2346, dated December 12, 1980, and again in Decision No. C81-34, dated January 6, 1981. In the latter decision, we specifically stated:

In addition, it is the Commission's intention from the date of January 1, 1983, to compare the cost of producing power at Fort St. Vrain with the cost of fossil-generated power of the Public Service system and/or the cost of purchased power. If the cost of producing power at Fort St. Vrain exceeds these costs, some or all of the differential may be disallowed as a ratepayer expense in future proceedings.

3. COMMERCIAL FEASIBILITY. There can be no question that Public Service, when it was granted a certificate to build Fort St. Vrain as a nuclear generating plant, assumed the financial and operational risks thereof. Public Service now states that the Commission should take into account the significant impact on the cost of power produced by Fort St. Vrain resulting from the necessity to comply with requirements of the Nuclear Regulatory Commission (NRC) which have "tremendously exceeded any reasonable expectations" which existed at the time the certificate was issued. Public Service states that even if Public Service did assume all financial risk in connection with the construction of Fort St. Vrain, then the certificate order would become subject to modification, or Public Service would be excused from complying with it, in the event the compliance did not prove to be commercially feasible. It should be noted that the Commission has been aware of the fact that certain requirements of the NRC have required periodic shutdowns of Fort St. Vrain. In fact these NRC-ordered shutdowns were specifically taken into account when the Commission established its 50 percent capacity goal in I&S Docket No. 1425. Certain parties claimed that the Commission had been entirely too lenient in setting the capacity factor as low as 50 percent. Although Public Service claims "commercial frustration", or "commercial infeasibility", it has not detailed in any fashion how this is so. The Commission recognizes that the operation of the incentive plan may involve certain financial discomfiture for the Company, but this cannot be equated with impossibility of performance or commercial frustration.

4. THE BUILD-UP PLAN. Public Service in its application for rehearing, reargument or reconsideration, misconstrues the operation of the build-up plan. Attachment 2 to the Company's application for rehearing, reargument or reconsideration is a 13-page exhibit which purports to show that the Commission-ordered methodology will not produce the correct refund amounts. In those exhibits, the power worth (Column A) is subtracted from the authorized revenue requirement (Column B) and the difference (Column C) is divided by a variable designated N to obtain the monthly difference (Column D) which is accumulated in Column E. In this calculation, Public Service lets the variable N range from 1 to 12, depending upon how many months performance history are being considered. Allowing the variable N to vary in this manner is what produces the incorrect refund amounts obtained by Public Service, and this does not conform with the methodology authorized by the Commission. Reference to the refund formula as approved by Examiner Stuelpnagel on page 5 of Recommended Decision No. R84-606 and as affirmed by the Commission indicates that the difference between the power worth and the authorized revenue requirement should be divided by a constant value of 12, and not by a variable N ranging from 1 to 12. When the computations shown in Attachment No. 2 are made using a constant divisor of 12, the refund amounts obtained match exactly the amounts that Public Service shows should be refunded.

5. OTHER PUBLIC SERVICE CONTENTIONS. Public Service has again raised contentions about a one-way operation being unfair, the adjustment of the capacity payment rate, failure to take attrition into account, and the prospective impact of the incentive plan in the future. Basically these arguments address themselves to the exercise of the Commission's judgment on the evidence presented to it in the fashioning of an appropriate methodology to recapture, for the benefit of Public Service's ratepayers, the differences between the power worth of Fort St. Vrain and the authorized revenue requirement. In summary, the Commission believes it has been fair to Public Service with respect to Fort St. Vrain. The Commission is not imposing a penalty but instead, as already indicated, merely holding the general body of ratepayers harmless by recapturing the difference between the power worth and the authorized revenue requirement. The fact that the operations of the monopoly utility are regulated by a state regulatory authority does not mean that the enterprise is without risk. The risk has been assumed; it should now be borne.

ORDER

THE COMMISSION ORDERS THAT:

1. The Application for Rehearing, Reargument or Reconsideration filed by Public Service Company of Colorado on August 28, 1984 is denied.
2. The request for a stay of Decision No. C84-874, dated August 8, 1984, pending judicial review is denied.
3. The incentive plan shall become operational on November 1, 1984.

This Order shall be effective thirty days from the day and date hereof.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Anders Skjold
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF TRANS MOUNTAIN MANAGEMENT, INC.)
DOING BUSINESS AS "MELLOW YELLOW)
TAXI COMPANY," FOR EMERGENCY TEM-)
PORARY APPROVAL TO LEASE CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 20490 PENDING)
DETERMINATION OF THE APPLICATION TO)
LEASE SAID CERTIFICATE FROM L. J.)
ANDERSEN & LUCILLE R. ANDERSEN,)
DOING BUSINESS AS "GLENWOOD TAXI)
COMPANY."

APPLICATION NO. 36532-Lease-ETA

ORDER GRANTING

EMERGENCY TEMPORARY APPROVAL

September 11, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 5, 1984, Trans Mountain Management, Inc. doing business as "Mellow Yellow Taxi Company," filed Application No. 36532 for emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 20490 pending Commission consideration of the related permanent application to lease said Certificate from L. J. Andersen and Lucille R. Andersen, doing business as "Glenwood Taxi Company."

Pursuant to CRS 40-6-120, the instant Application for emergency temporary approval is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 1973, 40-6-120, authorizes this Commission to grant emergency temporary approval if it appears that failure to grant such emergency temporary approval may result in destruction of or injury to such carrier or carrier properties.
2. Failure to grant emergency temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be leased, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.
3. The Lessee has adequate equipment and financial resources to commence immediate service to the public within the scope of the authority as set forth in the caption above and to continue such service pending determination of the related application for the lease of the certificate.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for emergency temporary approval is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Trans Mountain Management, Inc. doing business as "Mellow Yellow Taxi Company," is granted emergency temporary approval for a period of 15 days commencing on September 12, 1984, to engage in the business of transportation by motor vehicle for hire to the extent of the authority granted by this Commission under Certificate of Public Convenience and Necessity PUC No. 20490.

2. Trans Mountain Management, Inc. doing business as "Mellow Yellow Taxi Company," shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

3. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elythe S. Miller
Andra Schmidt
Ronald L. Lehn
Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
TELLER TWO CALL A CAB, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 36487-TA

ORDER GRANTING
TEMPORARY AUTHORITY
IN PART

September 11, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 4, 1984, Teller Two Call A Cab, Inc. filed Application No. 36487 for temporary authority to operate as a common carrier by motor vehicle for hire for the transportation -- in taxi service -- of passengers and their baggage and packages and parcels between all points in the area comprised of: (1) Teller County, State of Colorado; (2) An area beginning at the southwest corner of Douglas County, State of Colorado, thence north along the Douglas/Park County Boundary a distance of 13 miles to a point, thence east a distance of 15 miles to a point; thence south a distance of 13 miles to a point; thence west a distance of 15 miles to the point of beginning; and (3) An area beginning at a point on the Teller/El Paso County Boundary Line (said point located exactly 10 miles south of the Douglas County Boundary); thence east a distance of nine miles to a point; thence south a distance of fifteen miles to a point; thence west a distance of nine miles to a point; thence north to the point of beginning. Restricted against transporting any single package or parcel weighing in excess of 100 pounds. Restricted to the use of vehicles with a passenger capacity of seven or less.

Proper Notice of said Application has been given by the Commission on August 27, 1984.

Protests opposing a possible Commission order granting the above-noted application have been timely filed by Yellow Cab Co. of Colorado Springs and GRD Management, Inc.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing a portion of the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the public need.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted in part.

ORDER

THE COMMISSION ORDERS:

1. Teller Two Call A Cab, Inc. is granted temporary authority for a period of 180 days commencing as of September 12, 1984, with authority as set forth in the Appendix attached hereto.
2. Teller Two Call A Cab, Inc. shall not commence operations until all requirements have been met and notification has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 1, 1984, the authority as herein authorized will be null and void.
4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmitt
Ronald L. Lehn

Commissioners

nej

Teller Two Call A Cab, Inc.

Transportation -- in taxi service -- of

(A) Passengers and their baggage

(B) Packages and parcels

Between all points in the area comprised of: (1) Teller County, State of Colorado; and (2) An area beginning at the southwest corner of Douglas County, State of Colorado, thence north along the Douglas/Park County Boundary a distance of thirteen miles to a point, thence east a distance of fifteen miles to a point; thence south a distance of thirteen miles to a point; thence west a distance of fifteen miles to the point of beginning.

RESTRICTIONS:

- (a) Item (B) is restricted against transporting any single package or parcel weighing in excess of 100 pounds; and
- (b) Items (A) and (B) are restricted to the use of vehicles with a passenger capacity of seven or less.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-----------------------------------|---|-----------------------|
| RE: PETITION FILED ON BEHALF OF |) | APPLICATION NO. 36541 |
| AMERICAN BUSLINES, INC. AND |) | |
| TRAILWAYS BUS SYSTEM, INC. FOR |) | ORDER OF COMMISSION |
| AUTHORITY TO AMEND TIME SCHEDULES |) | GRANTING PETITION |
| ON LESS-THAN-STATUTORY NOTICE TO |) | |
| BECOME EFFECTIVE SEPTEMBER 12, |) | |
| 1984. |) | |
| ----- | | |

September 11, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 6, 1984, William A. Rowley, District Manager, Trailways, Inc., filed a petition for and on behalf of American Buslines, Inc. (ABI) and Trailways Bus System, Inc. (TBS/R), seeking authority to amend time schedules on less-than-statutory notice to become effective September 12, 1984. The proposed changes in time schedules include:

ABI Run 1706 from Denver to Wray and Run 1707 from Holyoke to Denver would be discontinued. ABI Run 1708 would be rerouted to operate from Brush to Wray instead of Brush to Holyoke.

TBS/R Runs 5025 and 5026 between Denver and Grand Junction would be discontinued. TBS/R Runs 5065 and 5066 between Denver and Aspen would operate daily instead of five times per week each direction.

TBS/R Runs 5101 and 5102 between Denver and Dinosaur would be discontinued. TBS/R Run 5104 would be re-routed to serve Oak Creek, Phippsburg, Yampa, and Toponas eastbound.

TBS/R Runs 5025 and 5026 between Grand Junction and points in Utah would be discontinued.

TBS/R Runs 5406 and 5407 between Pueblo and Grand Junction would be discontinued.

The Commission finds that under the provisions of the Bus Regulatory Reform Act of 1982 as well as the provision of 40-3-104(2) C.R.S. changes in bus schedules may be authorized by the Public Utilities Commission, and that the proposed changes should be authorized and appropriate publication ordered.

O R D E R

THE COMMISSION ORDERS:

1. That the petitions of American Buslines, Inc. and Trailways Bus System, Inc. to amend time schedules on less-than-statutory notice is granted.

2. That the authorized time schedule changes shall be published in:

ABI Schedule No. COPSC Schedule 17-16

TBS/R Schedule No. COPSC Schedule 1-5

TBS/R Schedule No. COPSC Schedule 2-3

TBS/R Schedule No. COPSC Schedule 3-6

TBS/R Schedule No. COPSC Schedule 8-7

and shall be filed to become effective September 12, 1984.

3. That each time schedule authorized to be published shall contain the following statement on its Title Page:

"Published by authority of Commission Decision
No. C84- , dated September 11, 1984."

4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andra Schmitt

Ronald L. Lehn

Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|-----------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF ALLEN MITCHEK, FOR TEMPORARY |) | APPLICATION NO. 36500-Transfer-TA |
| APPROVAL TO ASSUME CONTROL OF |) | |
| OPERATIONS UNDER CERTIFICATE OF |) | |
| PUBLIC CONVENIENCE AND NECESSITY |) | ORDER DENYING |
| PUC NO. 622 FROM DRISCOLL TRUCK |) | TEMPORARY APPROVAL |
| LINE, INC. |) | |

- - - - -
September 11, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 21, 1984, Allen Mitchek filed Application No. 36500 for temporary approval to assume control of operations under Certificate of Public Convenience and Necessity PUC No. 622 pending determination of the related application to permanently acquire said certificate from Driscoll Truck Line, Inc.

Proper Notice of said application has been given by the Commission on August 27, 1984.

Protests opposing a possible Commission order granting the above-captioned application have been timely filed by: R & K Trucking, Inc.; V-Y Truck Line, Inc.; Brotzman Trucking Co.; and Scholl Oil & Transportation Company.

Pursuant to CRS 40-6-120, the instant Application for temporary approval is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary approval when it appears that failure to grant such temporary approval may result in destruction of or injury to such carrier or carrier properties.
2. The support filed in behalf of the instant application constitutes insufficient evidence upon which the Commission might conclude that failure to grant temporary approval would result in destruction or injury to the carrier or carrier properties sought to be acquired.
3. There is no immediate or urgent need for the relief herein sought.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary approval is not in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

1. The application herein is denied.
2. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andy Schmitt

Ronald L. Lehn
Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ASPEN SEPTIC, INC., FOR TEMPORARY)
AUTHORITY TO CONDUCT OPERATIONS AS)
A CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 36490-PP-TA

ORDER GRANTING
TEMPORARY AUTHORITY

- - - - -
September 11, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 14, 1984, Aspen Septic, Inc. filed Application No. 36490-PP for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of sludge between all points in the area comprised of the Counties of Jefferson, Denver, and Park. Restricted to providing transportation service for the following named customer only, to wit: Kittredge Sanitation & Water District.

Proper Notice of said application has been given by the Commission on August 27, 1984.

A protest opposing a possible Commission order granting the above-noted application has been timely filed by: McDonald Farms, Inc.

Pursuant to CRS 40-6-120, the instant application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's need.
3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Aspen Septic, Inc. is granted temporary authority to operate as a contract carrier by motor vehicle for hire for a period of 165 days commencing as of September 12, 1984, with authority as set forth in the Appendix attached hereto.
2. Aspen Septic, Inc. shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 1, 1984, the authority as herein authorized will be null and void.
4. The 20 day time period provided for pursuant to CRS 40-6-114(6) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmitt
Ronald L. Lehn
Commissioners

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Transportation -- of

Sludge

Between all points in the area comprised of the Counties of Jefferson, Denver, and Park, State of Colorado.

RESTRICTION:

Restricted to providing transportation service for the following named customer only, to wit: Kittredge Sanitation & Water District.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF CHARLES J. MURPHY, DOING BUSI-)
NESS AS "PIKES PEAK TOURS," FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 696.)

APPLICATION NO. 36497-Extension-TA

ORDER GRANTING
TEMPORARY AUTHORITY

September 11, 1984

S T A T E M E N T

BY THE COMMISSION:

On August 21, 1984, Charles J. Murphy, doing business as "Pikes Peak Tours," filed Application No. 36497 for temporary and permanent authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 696 to include the transportation of passengers and their baggage -- in charter service -- between points in the County of Huerfano, State of Colorado, on the one hand, and the Amtrak Station in Las Animas County, State of Colorado, on the other hand.

Proper Notice of said application has been given by the Commission on August 27, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the public need.
3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Charles J. Murphy, doing business as "Pikes Peak Tours," is granted temporary authority for a period of 180 days commencing as of September 12, 1984, with authority as set forth in the Appendix attached hereto.

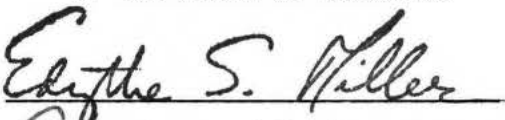

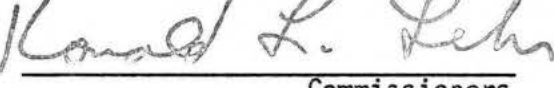
2. Charles J. Murphy, doing business as "Pikes Peak Tours," shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

3. Unless Applicant meets all of the requirements indicated above on or before October 1, 1984 the authority as herein authorized will be null and void.

4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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APPENDIX
Decision No. C84-1024
September 11, 1984

CHARLES J. MURPHY
DOING BUSINESS AS
"PIKES PEAK TOURS"

Transportation -- in charter service -- of

Passengers and their baggage

Between all points in the County of Huerfano, State of Colorado, on the one hand, and the Amtrak Station in Las Animas County, State of Colorado, on the other hand.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
LARRY LEE BARNHART, DOING BUSINESS)
AS "LARRY BARNHART TRUCKING," FOR)
TEMPORARY AUTHORITY TO CONDUCT)
OPERATIONS AS A CONTRACT CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36492-PP-TA

ORDER GRANTING
TEMPORARY AUTHORITY

- - - - -
September 11, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 16, 1984, Larry Lee Barnhart, doing business as "Larry Barnhart Trucking," filed Application No. 36492-PP for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of laundry and dishwashing detergent, bleach, fabric softener, scouring pads, bottled ammonia, and empty plastic bottles between all points in the City and County of Denver. Restricted to providing transportation service for the following named customer only, to wit: Purex Corporation, Denver, Colorado.

Proper Notice of said application has been given by the Commission on August 27, 1984.

Pursuant to CRS 40-6-120, the instant application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's need.
3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Larry Lee Barnhart, doing business as "Larry Barnhart Trucking," is granted temporary authority to operate as a contract carrier by motor vehicle for hire for a period of 180 days commencing as of September 12, 1984, with authority as set forth in the Appendix attached hereto.

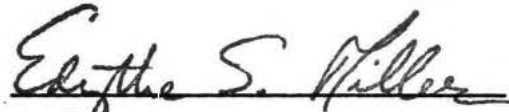

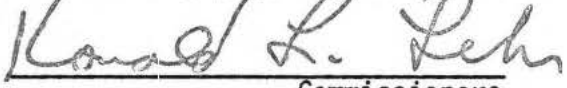
2. Larry Lee Barnhart, doing business as "Larry Barnhart Trucking," shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

3. Unless Applicant meets all of the requirements indicated above on or before October 1, 1984, the authority as herein authorized will be null and void.

4. The 20 day time period provided for pursuant to CRS 40-6-114(6) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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APPENDIX
Decision No. C84-1025
September 11, 1984

LARRY LEE BARNHART
DOING BUSINESS AS
"LARRY BARNHART TRUCKING"

Transportation -- of

Laundry and dishwashing detergent, bleach, fabric softner, scouring
pads, bottled ammonia, and empty plastic bottles

Between all points in the City and County of Denver.

RESTRICTION:

Restricted to providing transportation service for the following named
customer only, to wit: Purex Corporation, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF FRAZIER TRUCK LEASING, INC. FOR)
TEMPORARY AUTHORITY TO OPERATE AS A)
CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 36489-PP-TA

ORDER GRANTING
TEMPORARY AUTHORITY

September 11, 1984

S T A T E M E N T

BY THE COMMISSION:

On August 13, 1984, Frazier Truck Leasing, Inc. filed Application No. 36489-PP for temporary and permanent authority to operate as a Contract Carrier by motor vehicle for hire to include the transportation of aluminum, steel, and alloy metals between all points in the County of Pueblo, State of Colorado and between said points on the one hand, and all points in the State of Colorado, on the other hand. Restricted to providing transportation services for the following named customer only, to wit: Pueblo Metal Processing, Inc., Pueblo, Colorado.

Proper Notice of said application has been given by the Commission on August 27, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's needs.
3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Frazier Truck Leasing, Inc. is granted temporary authority for a period of 180 days commencing as of September 12, 1984, with authority as set forth in the Appendix attached hereto.
2. Frazier Truck Leasing, Inc. shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 1, 1984 the authority as herein authorized will be null and void.
4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

David Schmitt

Ronald L. Lehn

Commissioners

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APPENDIX
Decision No. C84-1026
September 11, 1984

FRAZIER TRUCK LEASING, INC.

Transportation -- of

Aluminum, steel, and alloy metals

Between all points in the County of Pueblo, State of Colorado, and between said points on the one hand, and all points in Colorado, on the other hand.

RESTRICTION:

Restricted to providing transportation services for the following named customer only, to wit: Pueblo Metal Processing, Inc., Pueblo, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF MILLER BROS., INC. FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CONTRACT CARRIER PERMIT NO.)
B-1957.)

APPLICATION NO. 36501-Extension-PP-TA

ORDER GRANTING
TEMPORARY AUTHORITY

September 11, 1984

S T A T E M E N T

BY THE COMMISSION:

On August 21, 1984, Miller Bros., Inc. filed Application No. 36501-PP for temporary and permanent authority to extend operations under Contract Carrier Permit No. B-1957 to include the transportation of spiral wound paper tubing between the facilities of Sonoco Products at or near Berthoud, Colorado, on the one hand, and all points in Colorado, on the other hand. Restricted to providing transportation services for the following named customer only, to wit: Sonoco Products Co., Berthoud, Colorado.

Proper Notice of said application has been given by the Commission on August 27, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's needs.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Miller Bros., Inc. is granted temporary authority for a period of 180 days commencing as of September 12, 1984, with authority as set forth in the Appendix attached hereto.
2. Miller Bros., Inc. shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 1, 1984 the authority as herein authorized will be null and void.
4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Arvid Schmitt

Ronald L. Leh

Commissioners

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MILLER BROS., INC.

Transportation of

Spiral Wound Paper Tubing

Between the facilities of Sonoco Products Co. at or near Berthoud, Colorado, on the one hand, and all points in Colorado, on the other hand.

RESTRICTION:

Restricted to providing transportation services for the following named customer only, to wit: Sonoco Products Co., Berthoud, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|--|---|---|
| IN THE MATTER OF THE APPLICATION OF KARL BENZ, DOING BUSINESS AS "ORANGE AND BLACK," FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER PERMIT NO. B-9318. | } | APPLICATION NO. 36508-PP-Extension-TA-Amended |
| | } | ORDER GRANTING TEMPORARY AUTHORITY |

- - - - -
September 11, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 22, 1984, Karl Benz, doing business as "Orange and Black," filed Application No. 36508-PP for temporary authority, and permanent authority to extend operations under Contract Carrier Permit No. B-9318 to include the transportation of new furniture, crated and uncrated, between points in Adams, Arapahoe, Denver, Jefferson and Boulder Counties, and between said points, on the one hand, and all points in the State of Colorado the other hand. Restricted to providing transportation services for the following named customer only, to wit: Levine's Home Furnishing Center, Denver, Colorado.

Proper Notice of said application has been given by the Commission on August 27, 1984.

On September 6, 1984, the applicant amended the application.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's needs.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Karl Benz, doing business as "Orange and Black," is granted temporary authority for a period of 180 days commencing as of September 12, 1984, with authority as set forth in the Appendix attached hereto.

2. Karl Benz, doing business as "Orange and Black," shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

3. Unless Applicant meets all of the requirements indicated above on or before October 1, 1984 the authority as herein authorized will be null and void.

4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elythe S. Miller
André Schmidt
Ronald L. Lehn
Commissioners

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KARL BENZ
DOING BUSINESS AS
"ORANGE AND BLACK"

Transportation -- of

New furniture, crated and uncrated

Between all points in Adams, Arapahoe, Denver, Jefferson and Boulder Counties, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

RESTRICTIONS:

- (A) Restricted to providing transportation services for the following named customer only, to wit: Levine's Home Furnishing Center, Denver, Colorado; and
- (B) For shipments destined to the Counties of Logan, Morgan, Phillips, or Sedgwick, State of Colorado service is restricted to transportation of items destined to private residences.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF FLINT ENGINEERING & CONSTRUCTION)
CO. FOR TEMPORARY APPROVAL TO)
ASSUME CONTROL OF OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 1328 & I)
FROM ROCKY MOUNTAIN TRUCKING)
COMPANY.)

APPLICATION No. 36499-Transfer-TA

ORDER GRANTING

TEMPORARY APPROVAL

- - - - -
September 11, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 21, 1984, Flint Engineering & Construction Co. filed Application No. 36499 for temporary approval to assume control of operations under Certificate of Public Convenience and Necessity PUC No. 1328 & I pending determination of the related application to permanently acquire said certificate from Rocky Mountain Trucking Company.

Proper Notice of said application has been given by the Commission on August 27, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary approval is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary approval when it appears that failure to grant such temporary approval may result in destruction of or injury to such carrier or carrier properties.
2. Failure to grant temporary approval may result in destruction or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.
3. The Transferee has adequate equipment and financial resources to commence immediate service to the public within the scope of the authority as set forth in the caption above and to continue such service pending determination of the related application for the transfer of the certificate.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary approval is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Flint Engineering & Construction Company is granted temporary approval for a period of 180 days commencing September 12, 1984 to engage in the business of transportation by motor vehicle for hire to the extent of the authority granted by this Commission under Certificate of Public Convenience and Necessity PUC No. 1328 & I.

2. Flint Engineering & Construction Company shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

3. Unless Applicant meets all of the requirements indicated above on or before October 1, 1984, the approval as herein authorized will be null and void.

4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andy Schmitt

Ronald L. Lehn

Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF THE STATE DEPARTMENT OF HIGH-)
WAYS, DIVISION OF HIGHWAYS - STATE)
OF COLORADO, FOR THE AUTHORITY TO)
INSTALL RAILROAD PRE-EMPTED TRAFFIC)
SIGNALS AND ENGINEERS SIGNALS AT)
TWO CROSSINGS OF THE BURLINGTON)
NORTHERN RAILROAD COMPANY TRACKS)
ON AND ACROSS STATE HIGHWAY 287)
(LINCOLN AVE. ONE-WAY NORTH AND)
CLEVELAND AVE. ONE-WAY SOUTH) JUST)
NORTH OF 10TH STREET IN THE CITY)
OF LOVELAND, LARIMER COUNTY, COLO-)
RADO. NATIONAL CROSSING INVENTORY)
ID NOS. 244-615S AND 244-614K.)

Application No. 35786
ORDER GRANTING APPLICATION

- - - - -
September 11, , 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

The summary of the Official record in the above entitled application is attached as Appendix A.

Applicant did not request a public hearing.

The Commission has determined this matter upon the record herein without a formal oral hearing pursuant to the provisions of CRS 40-6-109(5).

FINDINGS OF FACT

THE COMMISSION FINDS THAT:

1. As provided by CRS 40-4-106(2)(a), the Commission has jurisdiction in the instant matter.
2. Notice of the instant application has been given by the Commission to all interested parties pursuant to CRS 40-6-108(2).
3. All protests, if any, have been withdrawn. All petitions to intervene or other pleadings, if any, are in support of the application.
4. All statements contained in the instant application are factual, and are hereby adopted by reference as findings of fact.
5. All exhibits, specifications and plans are complete and accurate and meet or exceed Commission requirements.
6. The construction as proposed herein is compatible with the public safety, convenience and necessity.

CONCLUSIONS ON FINDINGS OF FACT

1. As provided by CRS 40-6-109(5), and Rule 17 of the Commission's Rules of Practice and Procedure, the Commission may determine this matter without a formal oral hearing.

2. The public safety, convenience and necessity requires, and will be served, by the granting of the instant application as hereinafter ordered.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Authority and approval is granted to the State Department of Highways, Division of Highways, State of Colorado to install railroad, pre-empted traffic signals and engineers signals at two crossings of the Burlington Northern Railroad Company tracks on and across State Highway No. 287 (Lincoln Avenue one-way north and Cleveland Avenue one-way south) just north of 10th Street in the City of Loveland, Larimer County, Colorado; National Inventory ID No. 244-615S and No. 244-614K respectively.

2. The work to be done and payment therefor shall all be performed and paid by the State Department of Highways, Division of Highways, State of Colorado as set forth in the plans, specifications, agreement and exhibits, all as filed herein.

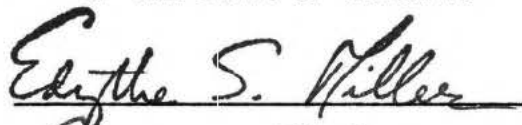
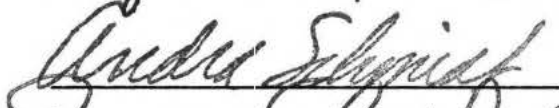

3. The State Department of Highways, Division of Highways, State of Colorado, shall notify the Commission in writing within ten days of completion of the construction ordered herein.

4. The Commission hereby retains jurisdiction to make such further order or orders as may be required in the instant matter.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

nej

Decision No. C84-1030
September 11, 1984
Appendix A

MORE
PAGE 1

84-08-27 13:47:03

PUBLIC UTILITIES COMMISSION
ACTIVITY

PUC NUMBER: 35786

| | DATE | CODE | |
|----|----------|------|--|
| 10 | 08 12 83 | | APPL.FILED FOR AUTHORITY TO INSTALL RR PRE-EMPTED |
| 10 | | | TRAFFIC SIGNALS AND ENGINEERS SIGNALS AT TWO CROSSINGS |
| 10 | | | OF THE BN RR CO.TRACKS ON AND ACROSS STATE HWY 287 |
| 10 | | | (LINCOLN AVE.ONE-WAY NORTH AND CLEVELAND AVE.ONE-WAY |
| 10 | | | SOUTH) JUST NORTH OF 10TH ST.IN THE CITY OF LOVELAND, |
| 10 | | | LARIMER COUNTY,COLORADO.NATIONAL CROSSING INVENTORY |
| 10 | | | ID NOS.224-615S AND 244-614K. |
| 20 | 09 20 83 | | NOTICE OF APPL.FILED ISSUED.(30 DAYS). |
| 30 | 10 17 83 | | RESOLUTION #R-65-83 IN SUPPORT OF SAID APPL.FILED ON |
| 30 | | | BEHALF OF CITY OF LOVELAND BY DAVID BLANCHARD,CITY |
| 30 | | | ENGINEER. |
| 40 | 01 10 84 | | LATE-FILED EXHIBITS FILED ON BEHALF OF APPLICANT. |

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|---------------------------------|---|-------------------------|
| RE: THE ISSUANCE OF TEMPORARY |) | |
| CERTIFICATES OF PUBLIC CONVEN- |) | APPLICATION NO. 36536 |
| IENCE AND NECESSITY UNDER TITLE |) | |
| 40-10-104(2), CRS 1973, FOR THE |) | EMERGENCY DISTRICT 5-84 |
| SEASONAL MOVEMENT OF MILO AND |) | |
| MILLET. |) | |

- - - - -
September 11, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

Report has been received by the Commission from Ralph H. Knull, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists due to a shortage of authorized motor vehicles for the transportation of milo and millet from fields and farms to railroad loading points, warehouses or other places of storage, or to markets from that area of the state comprised of the Counties of Adams, Kit Carson, Lincoln, and Washington.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates authorizing the temporary, seasonal operation of motor vehicles for the transportation of milo and millet within the area described above.

The Commission states and so finds that an emergency exists because of the shortage of authorized motor vehicles for the transportation of milo and millet from farms and fields to railroad loading points, warehouses or other places of storage, or to markets within the area described herein; and that the present public convenience and necessity requires the issuance of temporary certificates for the temporary, seasonal operation of motor vehicles for the purpose of transporting said commodity, as provided in Title 40, Article 10, Section 104(2), CRS 1973, and as set forth in the order following.

O R D E R

THE COMMISSION ORDERS THAT:

1. Temporary certificates be, and hereby are, authorized for the seasonal operation of motor vehicles for the purpose of transporting milo and millet from fields or farms located within that area of the state comprised of the Counties of Adams, Kit Carson, Lincoln and Washington to railroad loading points, warehouses or other places of storage, or markets.
2. Transportation under said temporary certificates shall be limited to a 50 mile radius of said origin field or farm, and that said certificates shall be effective only for a period of 90 days commencing September 12, 1984.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmidt
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|-------------------------|
| RE: THE ISSUANCE OF TEMPORARY |) | |
| CERTIFICATES OF PUBLIC CONVEN- |) | APPLICATION NO. 36537 |
| IENCE AND NECESSITY UNDER TITLE |) | |
| 40-10-104(2), CRS 1973, FOR THE |) | EMERGENCY DISTRICT 6-84 |
| SEASONAL MOVEMENT OF CORN-SILAGE |) | |
| AND SORGHUMS. |) | |

September 11, 1984

S T A T E M E N T

BY THE COMMISSION:

Report has been received by the Commission from Ralph H. Knull, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists due to a shortage of authorized motor vehicles for the transportation of corn-silage and sorghums from fields and farms to railroad loading points, warehouses or other places of storage, or to markets from that area of the state comprised of the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Delta, Elbert, El Paso, Kiowa, Kit Carson, La Plata, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates authorizing the temporary, seasonal operation of motor vehicles for the transportation of corn-silage and sorghums within the area described above.

The Commission states and so finds that an emergency exists because of the shortage of authorized motor vehicles for the transportation of corn-silage and sorghums from farms and fields to railroad loading points, warehouses or other places of storage, or to markets within the area described herein; and that the present public convenience and necessity requires the issuance of temporary certificates for the temporary, seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Title 40, Article 10, Section 104(2), CRS 1973, and as set forth in the order following.

O R D E R

THE COMMISSION ORDERS THAT:

1. Temporary certificates are authorized for the seasonal operation of motor vehicles for the purpose of transporting corn-silage and sorghums from fields or farms located within that area of the state comprised of the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Delta, Elbert, El Paso, Kiowa, Kit Carson, La Plata, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma to railroad loading points, warehouses or other places of storage, or markets.

2. Transportation under said temporary certificates shall be limited to a 50 mile radius of said origin field or farm, and that said certificates shall be effective only for a period of 90 days commencing September 12, 1984.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andru Skynia
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-----------------------------------|---|-----------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF THE MOUNTAIN STATES TELEPHONE |) | APPLICATION NO. 36247 |
| AND TELEGRAPH COMPANY TO OBTAIN |) | |
| AUTHORIZATION FOR THE TRANSFER |) | COMMISSION ORDER |
| OF CERTAIN ASSETS ASSOCIATED WITH |) | GRANTING MOTION FOR |
| DIRECTORY ADVERTISING. |) | EXTENSION OF TIME |

September 11, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 31, 1984, Staff of the Public Utilities Commission (Staff) filed a motion for extension of time to file response to the motion of Mountain States Telephone and Telegraph Company (Mountain Bell) for leave to file amended application.

Staff states that it requires an extension of time to file response to Mountain Bell's request for leave to file amended application because additional time is needed to formulate interrogatories, prepare Staff's testimony and review the amended application and analyze any effects on Staff's audit findings and testimony. Staff further alleges that Mountain Bell filed its testimony on August 27, 1984, in this matter, and interrogatories to Mountain Bell's pre-filed testimony are due by September 10, 1984. Accordingly, Staff requests 30 days additional time to respond to Mountain Bell's motion for leave to file amended application.

The Commission finds that Staff's request for extension of time to file response to Mountain Bell's motion for leave to file amended complaint should be granted in view of the time necessary for analysis of the complex issues presented in this proceeding. However, the Commission will not grant 30 days as requested by Staff but will grant an 11 day extension through September 17, 1984.

Therefore the Commission orders:

O R D E R

1. The Motion for Extension of time to file response to Mountain States Telephone and Telegraph Company's Motion for Leave to File Amended Application, filed by Staff of the Commission on August 31, 1984, is granted to the extent as set forth in the above decision.

2. Staff of the Commission may file response to the Mountain States Telephone and Telegraph Company's Motion for Leave to File Amended Application on or before September 17, 1984.

3. This Order is effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elythe S. Miller
Gordon Schmidt
Ronald L. Lehn
Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|------------------------------|
| IN THE MATTER OF THE PROPOSED) | |
| INCREASED RATES AND CHARGES) | |
| CONTAINED IN TARIFF REVISIONS) | INVESTIGATION AND SUSPENSION |
| FILED BY THE PUBLIC SERVICE) | DOCKET NO. 1640, PHASE II |
| COMPANY OF COLORADO, 550 - 15TH) | |
| STREET, DENVER, COLORADO, UNDER) | COMMISSION ORDER GRANTING |
| ADVICE LETTER NO. 900 - ELECTRIC,) | LATE FILED INTERVENTION |
| ADVICE LETTER NO. 375, GAS,) | |
| ADVICE LETTER NO. 33, STEAM.) | |

September 11, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 30, 1984, the Office of Consumer Counsel (OCC) filed an untimely petition seeking late intervention in I & S Docket No. 1640. OCC, through counsel, states that it was established almost two months after the deadline for filing Phase II intervention, and actual start-up of the office has only begun recently. Accordingly, timely intervention in this docket could not be accomplished by OCC. OCC further states that it will accept the record in all matters pertaining to I & S Docket No. 1640, as it exists at the time of its intervention. OCC finally states that its participation may include, but may not be limited to cross-examination of witnesses presented by other parties, presentation of a direct case, and written or oral arguments as may be required.

The Commission finds that OCC's petition for late filed intervention should be granted, and OCC should take I & S Docket No. 1640 in the posture which it finds it at the time of its intervention.

Therefore, the Commission orders that:

O R D E R

1. The untimely Petition for Late Filed Intervention filed by the Office of Consumer Counsel on August 30, 1984, is granted.
2. The Office of Consumer Counsel is granted intervenor status in I & S Docket No. 1640, and shall take such proceeding in the posture in which it finds it as of the effective date of its intervention granted by this Order.
3. This Order is effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andrew Schmitt
Ronald L. Lehn

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN NATURAL GAS COMPANY,)
INC. FOR AN ORDER AUTHORIZING IT TO)
EFFECT CERTAIN DOWNWARD REVISIONS IN)
GAS RATES UPON LESS THAN STATUTORY)
NOTICE.)

APPLICATION NO. 36516

ORDER OF THE COMMISSION
AUTHORIZING DOWNWARD REVISIONS
OF GAS RATES

- - - - -
September 11, 1984
- - - - -

STATEMENT

BY THE COMMISSION:

On September 4, 1984, Rocky Mountain Natural Gas Company, Inc., Applicant herein, filed the within verified application. Said application seeks a Commission Order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on September 12, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its suppliers and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Trans-Colorado Pipeline Co. and diverse wellhead producers for Applicant's customers in its Western Slope Service area.
3. This Commission has no jurisdiction over the wholesale rates of wellhead producers, but it does have jurisdiction over the rates of Trans-Colorado Pipeline Company and Rocky Mountain Natural Gas Co., Inc.
4. For July, 1984, Applicant's decreased cost of purchased gas was approximately \$8,415, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix A, will decrease annual revenues by \$8,490, which is a decrease of 0.04%.
6. Applicant's currently authorized rate of return is 13.94%, set in Commission Decision No. C83-1435, dated September 13, 1983.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 13.44%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 13.42%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

Rocky Mountain Natural Gas Co., Inc. shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Arthur Schmitt
Ronald L. Lehn
Commissioners

ROCKY MOUNTAIN NATURAL GAS COMPANY, INC.

name of utility

Colo. PUC No. 3

Sheet No. 2.4

Cancels Sheet No. 2.4

Appendix A

| (General Service Classification) | | | | |
|----------------------------------|----------------------|------------------|---|-------------------------|
| (Rate Title or Number) | | | | Company Rate Code |
| <u>Rate Schedule</u> | <u>Sheet No.</u> | <u>Rate Area</u> | <u>Purchased Adjustment per Mcf</u> | RATE |
| E-1 | 5 | North Central | \$ (.204) | |
| E-1 .. | 10 | North Central | .263 | |
| D-1R | 7 | Western Slope | .503 | |
| D-1C | 7.1 | Western Slope | .503 | |
| D-2 | 8 | Western Slope | .503 | |
| DO NOT WRITE IN THIS SPACE | | | | |

Advice Letter No. _____ Issue Date _____
Decision or Authority No. C84-1035 Signature of Issuing Officer _____
Title _____ Effective Date _____

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|------------------------------------|---|-----------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF WHEATLAND ELECTRIC COOPERATIVE, |) | APPLICATION NO. 36123 |
| INC. FOR AUTHORITY TO PLACE INTO |) | (FCA 8-84) |
| EFFECT FUEL COST ADJUSTMENT. |) | |

September 11, 1984

STATEMENT AND FINDING OF FACT

1. Applicant is Wheatland Electric Cooperative, Inc.
2. Address of Applicant is P.O. Box 130 - 101 Main Street, Scott City, Kansas.
3. Applicant has incurred/decreased fuel costs of \$.036160/kwh for a period beginning July 15, 1984 and ending August 15, 1984.
4. Applicant desires to place into effect, on not less than one (1) day's notice, the tariff attached hereto as Appendix A to reflect said decreased cost.
5. Applicant will not exceed its last authorized rate of return by virtue of the fact the tariff attached hereto as Appendix A is placed into effect.
6. Foregoing is verified by Lewis E. Mitchell, Manager.
7. Computation of fuel cost adjustment factor is attached hereto as Appendix B.

C O N C L U S I O N

Granting of the within Application is in the public interest.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 36123 (FCA 8-84) is approved and Wheatland Electric Cooperative, Inc. is authorized to place into effect the tariff attached to the herein Application as Appendix A, on not less than one (1) day's notice.
2. Application No. 36123 (FCA 8-84) is subject to such further order or orders of the Commission as may be appropriate.
3. Rule 18 A 5 is waived herein.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Gudrun Schmidt
Ronald L. Lehn
Commissioners

WHEATLAND ELECTRIC COOPERATIVE, INC.

name of utility

55th Revision

Colo. PUC No.

Sheet No. 26a

Cancels

54th Revision

Sheet No. 26a

APPENDIX A

| WHOLESALE POWER ADJUSTMENT (General Service Classification) | |
|---|-------------------------|
| ENERGY COST ADJUSTMENT (Rate Title or Number) | Company Rate Code |
| Applicable to all rates for electric service which shall be increased by this amount for each kwh per first revised Sheet 26. | RATE \$0.036813 |
| DO NOT WRITE IN THIS SPACE | |

Advice Letter No. 11 *Alvin E. Meyer* Issue Date Aug. 30, 1984
 Decision or Authority No. C84-1036 Manager Signature of Issuing Officer
 Effective Date Sept. 15, 1984
 Title

Appendix A

PURCHASED POWER COST ADJUSTMENT COMPUTATION

Sheet 1

Utility Name: WHEATLAND ELECTRIC COOPERATIVE, INC. KCC Tariff # 83-ECA 2 Report Date: August 30, 1984
 Eff. Date 5-6-83

Adjustment for Energy Costs for Month of August 1984

The following computation is submitted in support of purchased power affecting kilowatt hour usage billed on or after September 15, 1984.

I. Actual cost of purchased power for the month of August 1984

| Power Supplier | KWH Purchased | Customer Demand, and Energy Charge | ECA Charges | Total Charge |
|-----------------------------------|---------------|------------------------------------|----------------|----------------|
| 1. Sunflower | 52,505,950 | \$3,952,756.30 | (\$225,985.61) | \$3,726,770.69 |
| 2. Less Cities Service Cryogenics | 4,830,000 | 324,443.12 | (20,788.32) | 303,654.80 |
| 3. Less IBP., Inc. | 5,601,600 | 397,000.66 | (24,109.29) | 372,891.37 |
| 4. Less Garden City Morris | 3,375,750 | 260,657.73 | (14,529.23) | 246,128.50 |
| 5. Less Garden City Distribution | 11,024,000 | 806,374.87 | (47,447.30) | 758,927.57 |
| 6. Less Garden City Airport | 165,330 | 13,397.34 | (711.58) | 12,685.76 |
| 7. Less Val-Agri | 1,612,520 | 129,783.12 | (6,940.29) | 122,842.83 |
| 8. | | | | |
| TOTAL | 25,896,750 | \$2,021,099.46 | (\$111,459.60) | \$1,909,639.86 |
| TOTAL ACTUAL COST PER KWH | | 7.8045 ¢/kwh | (.4304) ¢/kwh | 7.3741 ¢/kwh |

II. Purchased Power Cost Adjustment:

| | |
|---|-----------------|
| 1. Actual cost per kwh of purchased power (Section I) | 7.3741 ¢/kwh |
| 2. Base cost per kwh of purchased power | 3.8210 ¢/kwh |
| 3. Change in purchased power cost over (under) base period. (Line 1 - Line 2) | 3.5531 ¢/kwh |
| 4. Line loss factor: | |
| a. Actual kwh purchased 12 months end 12/31/83 | 235,977,520 kwh |
| b. Actual kwh sold 12 months end 12/31/83 | 220,559,785 kwh |
| c. Line loss factor (line (a) ÷ (b)) | 1.069903 |
| d. Line loss limit factor | 1.099000 |
| e. Lesser of Line (c) or line (d) | 1.069903 |
| 5. Current purchased power adjustment factor (line 3 × line 4e) | 3.8015 ¢/kwh |
| 6. Actual cost adjustment (Sheet 2) | (0.0952) ¢/kwh |
| (a). Load management adjustment | (0.0903) ¢/kwh |
| 7. Total purchased power cost adjustment | 3.6160 ¢/kwh |

II. Purchased Power Cost Recovery Factor:


(From Section II, line 4d divided by line 4c. If greater than 1.000 enter 1.000).... 1.0

All ¢/kwh calculations rounded to nearest .001¢.

Sheets 1 and 2 and related subsheets (if any) are filed pursuant to ~~XXXXXX~~ Advise Letter #11 to the
~~Energy Corporation~~ Commission dated April 26, 1981.
 Colorado Public Utilities

Decision No. C84-1036

By



Manager

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|------------------------------|
| RE: INVESTIGATION AND SUSPENSION |) | INVESTIGATION AND SUSPENSION |
| OF THE TARIFF SHEET ACCOMPANYING |) | DOCKET NO. 1652 |
| ADVICE LETTER NO. 17, FILED BY |) | |
| SUNFLOWER TELEPHONE COMPANY, INC. |) | ORDER OF THE COMMISSION |
| TARIFF COLORADO P.U.C. NO. 3 - |) | FURTHER SUSPENDING EFFECTIVE |
| TELEPHONE. |) | DATE OF TARIFF |

September 11, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Ordering Paragraph No. 3, in Decision No. C84-735, dated June 22, 1984, the effective date of the tariff sheets filed by Sunflower Telephone Company, Inc., on May 21, 1984, pursuant to its Advice Letter No. 17 dated May 21, 1984, was suspended for 120 days, until September 18, 1984, or until further order of the Commission.

The Commission finds that its consideration of this matter will not be completed before September 18, 1984, and it is therefore necessary to suspend the effective date of the above-described tariffs for an additional 90 days, or until further order of the Commission.

O R D E R

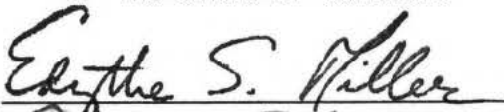


THEREFORE THE COMMISSION ORDERS THAT:

The effective date of the tariff sheets filed by Sunflower Telephone Company, Inc., on May 21, 1984 pursuant to its Advice Letter No. 17, dated May 21, 1984 is further suspended 90 days until December 17, 1984 or until further order of the Commission.

This Order is effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOHN ELLS, JR., DOING BUSINESS)
AS "YELLOW CAB COMPANY OF FORT)
COLLINS," 718 NORTH 11TH AVENUE,)
GREELEY, COLORADO 80631, FOR)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36187-Reuse

INTERIM ORDER OF
EXAMINER ROBERT E. TEMMER

September 14, 1984

STATEMENT

Protestant Sawyer Cab Company filed its "Motion to Vacate and Reset Hearing Date" on September 5, 1984, relating to the hearing date of September 21, 1984, presently scheduled in this matter. Applicant filed a response on September 7, 1984. The presently scheduled hearing date was set by Decision No. R84-883-I, which was issued August 13, 1984, and which also vacated the previous hearing date at the request of another Protestant. The September 21, 1984, hearing date was to have been cleared with all parties, and all parties were on notice that the previous hearing date was vacated and that the matter would be reset.

The motion presently under consideration was not filed until approximately 20 days after the decision was issued setting the new date. The grounds alleged are simply that counsel for Protestant is scheduled to be out of town. No indication is given of the purpose of the trip, whether or not it can be rescheduled, and whether or not it was scheduled prior to the time the hearing was set. The grounds are insufficient.

ORDER

1. The "Motion to Vacate and Reset Hearing Date" filed by Sawyer Cab Company on September 5, 1984, is denied.
2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

LARRY CONKLING)
DOING BUSINESS AS "PEAK CONCEPT")
8527 WEST COLFAX AVENUE, STE. 244)
LAKEWOOD, COLORADO 80215)

Complainant,)

vs.)

MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY)
1005 17TH STREET)
DENVER, COLORADO 80202)

Respondent.)

CASE NO. 6387

COMMISSION ORDER ON MOTIONS

September 12, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 11, 1984, Complainant Larry Conkling doing business as Peak Concept (Conkling) filed the following motions: request for emergency consideration and decision, motion for leave to file addendum to complaint, request for emergency relief, and motion to reschedule.

By the pleading entitled Addendum to Complaint, Conkling requests that his original complaint be amended to include all telephone lines in Complainant's offices located at 8527 West Colfax, Lakewood, Colorado and 2931 West 23rd Avenue, Denver, Colorado, where Complainant maintains 31 single-line phones under the name of Peak Concept. Conkling states that he was not aware that each phone number must be listed in his complaint to accord full relief to him.

By the request for emergency relief, Conkling states that he has made financial arrangements with Mountain Bell in lieu of surety bond, so as to continue existing phone service for the line in controversy in Case No. 6387. These financial arrangements are the payment of current local and ATTCOM charges as due, plus \$500 each week toward the ATTCOM arrearages. Conkling states that the \$500 per week payments on the ATTCOM arrearages is an impossible hardship. Conkling requests that the Commission order Mountain Bell to not discontinue any of Conkling's local service, including the additional phone lines added by addendum herein, and condition continuance of such service upon payment of local service only.

Conkling also filed a motion to reschedule Case No. 6387 so that it will be heard prior to Case No. 6402.

Conkling also filed a request for emergency consideration and decision wherein it is requested that the Commission consider the above motions immediately, because of the urgent nature of this proceeding.

The Commission finds that the request for emergency consideration and decision should be granted to the extent consistent with the order and decision herein. Conkling's request to amend complaint, and thereby include all telephone lines in Conkling's office located at 8527 West Colfax and 2931 West 23rd Avenue will be granted. By granting this motion, the scheduled hearing date of September 21, 1984, in this matter must be vacated with the matter to be reset after Mountain Bell files its answer to Conkling's amended complaint. Accordingly, the Executive Secretary of the Commission will be directed to issue a new Order to Satisfy or Answer to Mountain Bell in regard to the amended complaint.

In regard to Conkling's request for emergency relief, the Commission will grant such request to the extent as set forth below, and otherwise will deny such motion. Conkling requests that the Commission require no bond for continuance of all local telephone service of Conkling. This request will be denied. To prevent discontinuance of local service, the Commission shall require Conkling to continue to pay the sum of \$500 per week to Mountain Bell on the ATTCOM arrearages and to pay current local and ATTCOM charges as due.

Conkling's request to reschedule is moot because the Commission must vacate the presently scheduled hearing date in this matter so as to provide Mountain Bell the opportunity to answer Conkling's amended complaint. Accordingly, Conkling's motion to reschedule will be denied.

The Commission will also order that response time to the foregoing motions is waived because of the urgent nature thereof.

Therefore, the Commission orders:

O R D E R

1. The Request for Emergency Consideration and Decision filed by Larry Conkling, doing business as Peak Concept, on September 11, 1984, is granted to the extent consistent with the above decision and is otherwise denied.

2. The request to amend formal complaint by adding all telephone lines located in Conkling's offices at 8527 West Colfax, Lakewood, Colorado and 2931 West 23rd Avenue, Denver, Colorado is granted, and all such telephone lines are hereby included within such formal complaint. The Executive Secretary of the Public Utilities Commission shall issue a new Order to Satisfy or Answer to the Respondent, Mountain States Telephone and Telegraph Company, requiring them to satisfy or answer the amended complaint.

3. The request that the Commission order Mountain States Telephone and Telegraph Company to maintain Conkling's local service without deposit for all phones is denied. The discontinuance of local service for all telephone service herein, of Larry Conkling, doing business as Peak Concept, is prohibited, conditioned on continued payment of the sum of \$500 per week for ATTCOM arrearages and all current local and ATTCOM charges by Larry Conkling, doing business as Peak Concept.



4. Scheduled hearing of September 21, 1984, in Case No. 6387 is vacated. Case No. 6387 shall be reset for hearing after Mountain States Telephone and Telegraph Company files its response to amended complaint.

5. Response time to the motions filed by Larry Conkling on September 11, 1984, is waived.

6. This Order is effective forthwith.

DONE IN OPEN MEETING the 12th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDYTHE S. MILLER ABSENT

0102g

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|------------------------------|
| IN THE MATTER OF THE APPLICATION |) | APPLICATION NO. 35985 |
| OF STEINBECKER BROS., INC., P. O. |) | |
| BOX 852, GREELEY, COLORADO FOR A |) | INTERIM ORDER BY |
| CERTIFICATE OF PUBLIC CONVENIENCE |) | EXAMINER JOHN P. STUELPNAGEL |
| AND NECESSITY TO OPERATE AS A |) | |
| COMMON CARRIER BY MOTOR VEHICLE |) | |
| FOR HIRE. |) | |

- - - - -
September 19, 1984
- - - - -

STATEMENT

The above captioned application filed with the Commission on November 16, 1983 by Applicant Steinbecker Bros., Inc. for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation-on call and demand-of food stuffs between the facilities of King Soopers in Denver, Colorado and all points in the State of Colorado. Restricted against the transportation of canned goods originating in Brighton, Colorado and potato chips originating in Greeley, Colorado. An application for temporary authority was filed simultaneously with the permanent application.

The Commission, on November 21, 1983, sent its Notice of Applications Filed to all interested persons, firms, or corporations and protests were filed on December 1, 1983 by Bill Clark Truck Lines, Inc., Ashton Trucking Company, Valley Freightways, Inc., Colorado Pacific Trucking, Inc., d/b/a Col Pac, Inc. and Ed Schroul d/b/a Schroul Transfer.

On December 13, 1983 a Stipulation Concerning Amendment to Application and Withdrawal of Position was filed by Applicant and Protestant Platte Valley Freightways, Inc. The restrictive amendment was found to be unacceptable by Staff of the Commission. On December 13, 1983 additional pleadings captioned Stipulation Concerning Amendment to Application and Withdrawal of Protests were filed by Applicant and Protestants Pacific Trucking, Inc., d/b/a Col Pac, Inc., Ed Schroul d/b/a Schroul Transfer, Ashton Trucking Company and Bill Clark Truck Lines, Inc. These restrictive amendments were likewise found to be unacceptable by Staff of the Commission.

By Decision No. C83-1899 issued December 29, 1983 temporary authority was granted in part to Applicant.

By order setting hearing and notice of hearing issued January 1, 1984 the matter was set for hearing on Thursday, April 12, 1984 at 10 a.m., in the 5th Floor Hearing Room, 500 State Services Building, Sherman Street, Denver, Colorado.

Hearing commenced as scheduled and as a preliminary matter, Applicant and Protestant Valley Freightways, Inc. entered into discussions in an effort to negotiate an acceptable restrictive amendment which would allow the withdrawal of the protest of Platte Valley Freightways, Inc. No other parties appeared at the hearing. Applicant failed to reduce any agreement to writing, submit the same to the Commission and provide therewith an executed notice of withdrawal by Applicant and Valley Freightways, Inc. upon the acceptance of any restrictive

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|------------------------------|
| IN THE MATTER OF THE APPLICATION |) | APPLICATION NO. 35985 |
| OF STEINBECKER BROS., INC., P. O. |) | |
| BOX 852, GREELEY, COLORADO FOR A |) | INTERIM ORDER BY |
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| AND NECESSITY TO OPERATE AS A |) | |
| COMMON CARRIER BY MOTOR VEHICLE |) | |
| FOR HIRE. |) | |

- - - - -
September 19, 1984
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By Decision No. C83-1899 issued December 29, 1983 temporary authority was granted in part to Applicant.

By order setting hearing and notice of hearing issued January 16, 1984 the matter was set for hearing on Thursday, April 12, 1984 at 9:00 a.m., in the 5th Floor Hearing Room, 500 State Services Building, 1525 Sherman Street, Denver, Colorado.

Hearing commenced as scheduled and as a preliminary matter, Applicant and Protestant Valley Freightways, Inc. entered into discussions in an effort to negotiate an acceptable restrictive amendment which would allow the withdrawal of the protest of Platte Valley Freightways, Inc. No other parties appeared at the hearing. Applicant was ordered to reduce any agreement to writing, submit the same to the Commission and provide therewith an executed notice of withdrawal by Platte Valley Freightways, Inc. upon the acceptance of any restrictive

amendment. On June 22, 1984 Applicant submitted a description of the scope of authority sought by Applicant and asserts that Applicant believes such scope reflects the stipulations between Applicant and all Protestants.

It is first noted that the scope of authorities submitted on June 22, 1984 provides in paragraph 1 for transportation of food stuffs other than farm products. By letter dated April 11, 1984 Applicant advised the Commission as well as other Protestants that such scope was to be further restrictively amended to exclude farm produce from the commodity description. This exclusion does not appear. It is next noted that no restrictive amendment has been approved by the Commission which has attached thereto a withdrawal of protest upon acceptance. Finally service limited to origination and/or termination at the facilities of King Soopers, Inc. in Denver, Colorado raises the question of whether or not the service requested by this authority constitutes contract carrier service rather than common carrier service. For the reasons set forth above this matter should be set for hearing on the application for permanent authority.

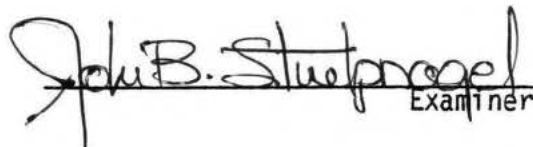
An appropriate Order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 35985 being the application of Steinbecker Bros., Inc., P. O. Box 852, Greeley, Colorado 80632 shall be set for hearing at a time available to all parties.
2. Within 15 days of the effective date of this Order, Applicant shall provide to the Commission dates available to all parties for hearing in the above captioned matter.
3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|---------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF DONALD AND SANDRA SAMFORD |) | APPLICATION NO. 36003-Extension |
| DOING BUSINESS AS STEAMBOAT TAXI, |) | |
| P. O. BOX 774235, STEAMBOAT |) | INTERIM ORDER OF |
| SPRINGS, COLORADO 80477, FOR A |) | EXAMINER JOHN P. STUELPNAGEL |
| CERTIFICATE OF PUBLIC CONVENIENCE |) | |
| AND NECESSITY AUTHORIZING AN |) | |
| EXTENSION OF OPERATIONS UNDER PUC |) | |
| NO. 9742. |) | |

- - - - -
September 19, 1984
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STATEMENT

The above captioned application was filed with the Commission on November 29, 1983 by Applicants Donald and Sandra Samford, doing business as Steamboat Taxi. On December 5, 1983 the Commission sent its Notice of Applications Filed to all interested persons, firms, or corporations, and protests were filed on December 14, 1983 by Trailways Bus System, Inc. and Trailways, Inc., and on January 5, 1984 by Bruce Ellen Timberg d/b/a Yampa Valley Stage.

By order setting hearing and notice of hearing issued February 17, 1984, the matter was set for hearing on Thursday, April 19, 1984 at 9:00 a.m. in the large conference room, County Courthouse Annex, Steamboat Springs, Colorado. By notice vacating and resetting hearing the matter was reset for hearing on Wednesday, July 18, 1984 at the same time and place. On April 27, 1984 the protest of the Yampa Valley Stage was withdrawn, and on July 17, 1984 a stipulation of parties, motion to amend application, and motion to vacate hearing and transfer matter to modified procedure was filed by Applicant and the remaining Protestants Trailways Bus System, Inc. and Trailways, Inc. The stipulation requests additional restrictions to items A and B as set forth in the notice of applications filed to the use of vehicles with a rated seating capacity not exceeding 15 passengers plus the driver, manufactured by or for Ford, Dodge, Plymouth, GMC, or Chevrolet.

The amendment submitted by Applicant is restrictive in nature, reasonable and sufficiently clear and should be accepted by the Commission. This matter is now unopposed and should be considered under modified procedure.

An appropriate Order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. The amendment submitted by Applicants Donald and Sandra Samford d/b/a Steamboat Taxi to restrict vehicles to those with a rated seating capacity not exceeding 15 passengers plus the driver, manufactured by or for Ford, Dodge, Plymouth, GMC or Chervolet is accepted.

2. The protests of Trailways Bus System, Inc. and Trailways, Inc. are withdrawn.

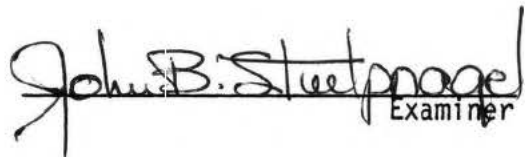
3. The hearing scheduled for July 18, 1984 at 9:00 a.m. in Steamboat Springs, Colorado is vacated.

4. This matter shall be considered under the Commission's modified procedure pursuant to Rule 17 of the Rules and Practice and Procedure of this Commission and 40-6-109(5) CRS.

5. Applicant shall submit to the Staff of the Commission any required affidavits, data or other information relating to the proposed operations, Applicant's fitness to conduct operations and shipper needs for service to be supplied and Applicant's ability to provide the same.

6. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

LARRY D. O'BRYANT
P. O. BOX 4610
WOODLAND PARK, COLORADO 80863

Complainant,

vs.

MOUNTAIN STATES TELEPHONE AND
TELEGRAPH COMPANY
1005 17TH STREET
DENVER, COLORADO 80202

Respondent.

CASE NO. 6402

INTERIM ORDER OF
EXAMINER ROBERT E. TEMMER

September 14, 1984

STATEMENT

Mountain States Telephone and Telegraph Company filed a Motion to Vacate Hearing on September 11, 1984. Among the grounds alleged are that counsel has a conflict on the date presently scheduled for hearing and that a principal witness will not have sufficient time to prepare. These grounds are sufficient.

Mountain States Telephone and Telegraph Company filed a motion to dismiss on September 12, 1984, which contained a request that the response time be shortened for the motion. Vacating the hearing negates the need for shortening the response time to that motion.

O R D E R

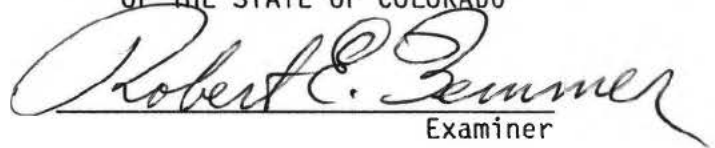
1. The hearing presently scheduled for September 19, 1984, in Colorado Springs is vacated.

2. The response time for the motion to dismiss filed September 12, 1984, shall not be shortened.

3. Complainant Larry D. O'Bryant shall have until the close of business on September 24, 1984, to respond to the "Motion to Dismiss as Moot" filed by the Mountain States Telephone and Telegraph Company on September 12, 1984.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc:5066c

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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| IN THE MATTER OF THE APPLICATION) | |
| OF F. DALE EDWARDS, J. SCOTT) | |
| WEBERMEIER, AND JOHN C. WEBERMEIER,) | APPLICATION NO. 36049-Extension |
| JR., DOING BUSINESS AS "ESTES PARK) | |
| BUS COMPANY," 900 MORaine DRIVE,) | INTERIM ORDER OF |
| ESTES PARK, COLORADO FOR A CER-) | EXAMINER WILLIAM J. FRITZEL |
| TIFICATE OF PUBLIC CONVENIENCE AND) | |
| NECESSITY AUTHORIZING AN EXTENSION) | |
| OF OPERATIONS UNDER PUC NO. 17999.) | |

- - - - -
September 20, 1984
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STATEMENT

On December 14, 1983, Applicant F. Dale Edwards, J. Scott Webermeier and John C. Webermeier, Jr., dba Estes Park Bus Company filed an application requesting authority to extend operations under its Certificate PUC No. 17999. Notice of the application was published by the Commission on January 3, 1984, as follows:

"For a certificate of public convenience and necessity authorizing an extension of operations under PUC No. 17999 to include the transportation of passengers and their baggage--in charter service--between all points within a fifteen (15) mile radius of the intersection of U.S. Highway Nos. 34 and 85 at or near Greeley, Colorado and between said points, on the one hand, and all points in the State of Colorado, on the other hand. Restricted to the use of vehicles with a passenger capacity of thirty eight (38) or more, excluding the driver."

Protests were filed by Greeley Commuter System Ltd. on January 9, 1984; Queen City Transportation, Inc., on January 18, 1984; and Joe Brown, dba Limousine Crew Car Service on February 2, 1984. Hearing of the above captioned application was set for April 18, 1984, at 10:00 a.m. in Greeley, Colorado.

On March 14, 1984 Protestant Greeley Commuter System Ltd. filed a motion to consolidate the above captioned Application with Application No. 36159-Extension. In The Matter Of The Application of the City of Greeley. In addition, on March 14, 1984, Protestant Greeley Commuter System Ltd. filed a letter requesting that the April 18, 1984, date be vacated. The Commission on April 3, 1984, in Decision No. C84-403 granted the motion to consolidate Application Nos. 36049-Extension and 36159-Extension and vacated the hearing date of April 18, 1984. The consolidated applications were rescheduled for hearing on August 28, 1984, through August 31, 1984, at 10:00 a.m. in Greeley, Colorado.

On August 7, 1984, Protestant Queen City Transportation, Inc., filed a letter with the Commission indicating that it wished to withdraw its protest in Application No. 36049-Extension (Estes Park Bus Company).

On August 20, 1984, Applicant Estes Park Bus Company and Protestants Greeley Commuter System Ltd. and Joe Brown dba Limousine Crew Car Service filed a stipulation to restrictively amend Application No. 36049-Extension. The stipulation states that Applicant requests to restrictively amend its application as follows:

Restricted against the transportation of train crews, originating or terminating at actual train locations on rail sidings.

Restricted to the transportation of charter groups comprised of a minimum of thirty 30 persons.

The above amendment is restrictive in nature and does not expand the scope of the above captioned application. The restrictive amendment will be accepted. Protestants Greeley Commuter System Ltd. and Joe Brown dba Limousine Crew Car Service indicated in the stipulation that if the Commission accepted the above restrictions, they would withdraw their protest.

Since Application No. 36049-Extension, In The Matter Of The Application of Estes Park Bus Company, is now uncontested, it should be considered pursuant to the Commission's modified procedure.

An appropriate order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. The restrictive amendment noted above filed by Applicant on August 20, 1984, is accepted.

2. Any extended authority to be issued by this Commission should not exceed the following: Transportation of passengers and their baggage--in charter service--between all points within a 15 mile radius of the intersection of U.S. Highway Nos. 34 and 85 at or near Greeley, Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand. Restricted to the use of vehicles with a passenger capacity of thirty-eight (38) or more excluding the driver.

Restricted against the transportation of train crews, originating or terminating at actual train locations on rail sidings.

Restricted to the transportation of charter groups comprised of a minimum of thirty (30) persons.

3. This matter shall be considered under the Commission's modified procedure pursuant to Rule 17 of the Commission's Rules of Practice and Procedure and CRS 40-6-109(5).

4. The Applicant F. Dale Edwards, J. Scott Webermeier and John C. Webermeier, Jr., dba Estes Park Bus Company shall file any supplemental material, affidavits, or other documents required by the Transportation Staff of the Commission for this matter to be considered under the Commission's modified procedure within thirty (30) days of the effective date of this Order.

5. The hearing dates set for Application No. 36049-Extension on August 28 through August 31, 1984, at 10:00 a.m. in Greeley, Colorado, is vacated.

6. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

William J. Futral
Examiner

nrg:5184A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
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| IN THE MATTER OF THE APPLICATION |) | |
| OF THE MOUNTAIN STATES TELEPHONE |) | APPLICATION NO. 36247 |
| AND TELEGRAPH COMPANY TO OBTAIN |) | |
| AUTHORIZATION FOR THE TRANSFER |) | INTERIM ORDER OF |
| OF CERTAIN ASSETS ASSOCIATED |) | EXAMINER WILLIAM J. FRITZEL |
| WITH DIRECTORY ADVERTISING. |) | |

September 20, 1984

STATEMENT

On August 15, 1984, Intervenor the Colorado Municipal League (League) filed a Motion to Compel Discovery. The League requests that the Commission compel Applicant The Mountain States Telephone and Telegraph Company (Mountain Bell) to answer certain discovery requests submitted to Mountain Bell by the League contained in the League's First Data Request served on Mountain Bell on May 25, 1984.

Mountain Bell served its response to the League's First Data Request on July 18, 1984.

The League, in its Motion to Compel Discovery, states that Mountain Bell has failed to respond adequately and completely to various discovery requests made by the League in its First Data Request.

No response has been filed by Mountain Bell to the League's Motion to Compel Discovery.

The League, in its motion, states that Mountain Bell has failed to respond adequately and completely to the following data requests:

REQUEST NO. 8 d.i. & ii.:

In regard to Paragraph No. 17 of Application No. 36247:

d. As to subparagraph (e),

- i. Describe the process entailed in procuring and protecting the copyright for directories;
- ii. Provide a breakdown of expenditures made by Mountain Bell in so procuring and protecting said copyright for the years 1975 to 1984, inclusive (state Colorado intrastate costs separately);

RESPONSE (By Mountain Bell)

- i. & ii. Information pertaining to Mountain Bell's process and expenditures in procuring and protecting its directory copyrights from 1975 - 1983 is not available.

The League's motion states that: "This response is inadequate because, at a minimum, it does not state what is entailed in procuring and protecting the copyright for directories and what responsibilities are being assumed by U.S. West Direct with respect to copyright protection. In Paragraph No. 17(e) of the application, Mountain Bell stated that the obligation and responsibility for procuring and protecting the copyright is one of the obligations assumed by U.S. West Direct."

REQUEST NO. 9 a.:

In Paragraph No. 18 of Application No. 36247, Mountain Bell states that on January 1, 1984, it transferred certain assets associated with the publishing of directories.

- a. State, by category of asset listed in said Paragraph No. 18, the method used in valuing said assets.

RESPONSE:

- a. The plant assets transferred to U.S. West Direct by Mountain Bell were based on original cost. See Document Nos. 40 and 41 provided in response to Request No. 10 for details.

The League states in its motion that the above response is inadequate since it fails to describe the method of valuation and Document Nos. 40 and 41 do not state the actual method used in setting a value.

REQUEST NO. 9 d.:

Identify all cost economies to Mountain Bell anticipated to result from said transfer of assets.

- i. Provide the dollar impact of such economies on directory publishing revenues of Mountain Bell's Colorado intrastate operations;
- ii. Explain how that dollar impact is arrived at.

RESPONSE:

- d.i. & ii. See Document No. 34.

The League states that the above response is inadequate since Document No. 34 entitled: "Directory Operations Study Current Forecast - 1984" does not identify cost economies. In addition, the League states that said document does not specifically identify dollar amounts of economies and how the dollar amounts were arrived at.

REQUEST NO. 9 h.:

Describe in detail what recourse (regulatory or otherwise) will be available to directory advertisers and/or listers, after the transfer of said assets, in the event of errors, omissions, refusal to accept advertisements in the Yellow Pages.

RESPONSE:

h. Article 9 of the Publishing Agreement addresses complaints, claims, and disputes.

Also Section 6 of the Statement of Terms and Conditions Applicable to Directory Billing and Collections Services (part of the agreement for Directory Billing and Collection Services effective as of January, 1984) further specifies recourse available.

The League states that the above response of Mountain Bell is inadequate since Mountain Bell has not provided for an interpretation of Article 9 as requested. The League further states that Mountain Bell's response concerning Section 6 of the Statement of Terms and Conditions Applicable to Directory Billing and Collection Services is unclear and vague. The League states that at a minimum, Mountain Bell should furnish a copy of the reference Section 6.

In addition, the League in its Motion to Compel states that Mountain Bell responded to certain other data requests by stating that the information requested is unavailable to Mountain Bell and can be obtained from U.S. West Direct. The League states that the responses received from Mountain Bell to the following data requests are incomplete and inadequate:

REQUEST NO. 7

Provide a list of all assets of U.S. West Direct prior to the execution of the contracts between that entity and Mountain Bell.

REQUEST NO. 8 d. and e

d. As to subparagraph (e),

- i. Describe the process entailed in procuring and protecting the copyright for directories;
- ii. Provide a breakdown of expenditures made by Mountain Bell in so procuring and protecting said copyright for the years 1975 to 1984, inclusive (state Colorado intrastate costs separately);

e. As to subparagraph (f), state:

- i. The number of employees in the directory publishing work force;
- ii. The number of said employees attributable to Colorado intrastate operations.

REQUEST NO. 9 c. and g.:

- c. Provide copies of all financial data and projections for the years 1984 to 1994 showing anticipated profits to U.S. West Direct and Landmark Publishing Company as a result of said transfer of assets.
 - i. Provide all assumptions underlying these projected results.
- g. As to Landmark Publishing Company:
 - i. State the net book value of stock on a per-share basis;
 - ii. State the number of outstanding shares of stock;
 - iii. Provide copies of work papers showing derivation of net book value;
 - iv. Provide copies of its balance sheet and income statement.

REQUEST NO. 12 g.

In regard to Appendix 1 of Application No. 36247 (Publishing Agreement);

- g. In regard to Article VI, Directory Delivery and Warehousing:
 - i. On a total Company basis, state the projected dollar amount attributable to cost of delivery and warehousing for each year the contract is in effect;
 - ii. Provide the same information requested in subparagraph g(i) above on a Mountain Bell Colorado intrastate basis.
 - iii. On a total Company basis, provide the total costs incurred by Mountain Bell for Delivery and Warehousing during 1975-84 inclusive;
 - iv. Provide the same information requested in subparagraph g(iii) above on a Mountain Bell Colorado intrastate basis.

The League in its motion indicates that after receiving the response of Mountain Bell to the above listed requests, namely, 7; 8 d. and e.; 9 c. and g.; and 12 g. to the effect that Mountain Bell indicated that the information is unavailable to the above requests and suggested that the League obtain the information from U.S. West Direct; the League forwarded an informal request to counsel for U.S. West Direct. The League states that as of the date of filing of the Motion to Compel, counsel for U.S. West Direct has not provided the requested information.

Rule 14M of the Commission's Rules of Practice and Procedure state that the discovery procedure contained in the Colorado Rules of Civil

Procedure Rule 26, et seq., will be followed by the Commission. Rule 26(b) of the Colorado Rules of Civil Procedure which concerns discovery provides that the parties to an action may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter of an action which appears reasonably calculated to assist in obtaining admissible evidence. Rule 37, C.R.C.P., provides that upon reasonable notice to other parties and persons affected, a party may apply for an order compelling discovery. The Colorado courts have consistently held that the discovery rules should be construed liberally. Crist v. Goody, 31 Colorado App. 496, 507 P.2d 478 (1972), Sherman v. District Court, 637 P.2d 378 (Colorado 1981). Any dispute involving a discovery issue should be resolved in favor of allowing discovery. Hawkins v. District Court, 638 P.2d 1372 (Colorado 1982).

In view of the foregoing, it is concluded that the motion to compel submitted by Intervenor, the Colorado Municipal League, should be granted, since the requests are reasonably calculated to lead to discovery of admissible evidence. A protective order at the request of Mountain Bell was entered by the Commission on August 10, 1984, in Decision No. R84-881-I, which would adequately protect Mountain Bell in its responses to the League's request.

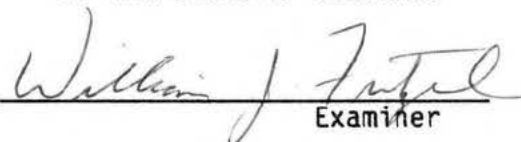
An appropriate order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. The Motion to Compel Discovery filed by Intervenor Colorado Municipal League on August 15, 1984, is granted.
2. Applicant The Mountain States Telephone and Telegraph Company shall within 30 days of the effective date of this Order answer fully the above stated discovery request of the Colorado Municipal League.
3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

0089g

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|--------------------------|
| UNION RURAL ELECTRIC ASSOCIATION |) | |
| INC., |) | CASE NO. 6393 |
| |) | |
| Complainant, |) | INTERIM ORDER OF |
| |) | EXAMINER THOMAS F. DIXON |
| vs. |) | |
| |) | |
| PUBLIC SERVICE COMPANY OF |) | |
| COLORADO, |) | |
| |) | |
| Respondent. |) | |

September 27, 1984

STATEMENT AND FINDINGS

The complaint in this matter was filed by Union Rural Electric Association, Inc., (Union) on June 12, 1984. Pursuant to an Order to Satisfy or Answer issued June 26, 1984, Public Service Company of Colorado (Public Service) filed its answer to the complaint on July 13, 1984. This matter is presently set for hearing on October 4, 1984, at 9:00 a.m. in the Commission Hearing Room, Denver, Colorado. On August 3, 1984, Morning Fresh Farms, Inc., filed an answer to the complaint filed by Union. Morning Fresh Farms, Inc., is not a respondent in the complaint filed by Union. On August 7, 1984, Union filed a Motion to Strike the Answer of Morning Fresh Farms, Inc. Since Morning Fresh Farms, Inc. is not a named respondent, and the complainant seeks no relief against it, the answer should be stricken. However, Morning Fresh Farms, Inc., also filed a Motion to Intervene which was granted by Executive Ruling 84-235.

On September 4, 1984, the attorney representing Morning Fresh Farms, Inc., filed a Motion to Continue the hearing scheduled for October 4, 1984, since he has a conflict in his schedule. The motion asserts neither of the other parties objects to the continuance. Good grounds having been shown, the request should be granted.

O R D E R

THE EXAMINER ORDERS THAT:

1. The answer filed by Morning Fresh Farms, Inc., on August 3, 1984, is hereby stricken.
2. The Motion to Continue filed by Morning Fresh Farms, Inc., on September 4, 1984, is granted.
3. This matter is reset as follows:

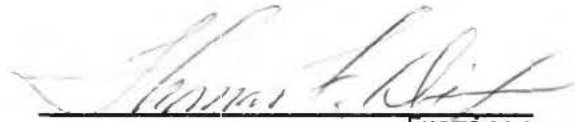
DATE: Thursday, December 20, 1984.

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Logan Tower
Office Level 2 (OL 2)
1580 Logan Street
Denver, Colorado 80203

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

nrg:5180A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|-------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF RENAISSANCE CLASSIC CAR) | APPLICATION NO. 36199-Amended |
| SERVICE, 2422 LAFAYETTE STREET,) | |
| DENVER, COLORADO FOR AUTHORITY TO) | ORDER OF THE COMMISSION |
| OPERATE AS A COMMON CARRIER BY) | |
| MOTOR VEHICLE FOR HIRE.) | |

September 18, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that a protest was timely filed by Royalty Rental Limousine however, this protest was subsequently withdrawn. The herein proceeding is therefore now noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the holder of the Certificate shall operate in accordance with the Order of the Commission except when prevented by an Act of God, the public enemy, or extreme conditions.

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Ronald L. Lehn
Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

jw: noncons/D

Appendix
Decision No. C84-1046
September 18, 1984

Renaissance Classic Car Service

Transportation -- in charter service -- of

Passengers and their baggage

Between all points within a twenty-five (25) mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado.

RESTRICTION: This Certificate is restricted to the use of vehicles twenty-five (25) years of age or older and manufactured by Cadillac.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HALLENBECK CONSTRUCTION, INC.,) APPLICATION NO. 36370-PP-Amended
P. O. BOX 178, ECKERT, COLORADO)
FOR AUTHORITY TO OPERATE AS A) ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

September 18, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that a protest was timely filed by Ashton Trucking Company, however, this protest was subsequently withdrawn. The herein proceeding is therefore now noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

AND IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

jw: noncons/F

Appendix
Decision No. C84-1047
September 18, 1984

Hallenbeck Construction, Inc.

(1) Transportation of

Farm products and farm produce (excluding livestock, bulk milk and dairy products); and

Between points in the Counties of Delta, Mesa and Montrose, State of Colorado, on the one hand, and, on the other, all points in Colorado.

(2) Transportation of

Boxes, bottles, bags, sacks, crates and cans

Between points in the Counties of Delta, Mesa, and Montrose, State of Colorado, on the one hand and all points in Colorado, on the other hand.

RESTRICTION: This Permit is restricted as follows:

- (a) Item No. (1) is restricted against the transportation of shipments (a) originating at points in Alamosa, Rio Grande, Saguache, Conejos and Costilla Counties, State of Colorado and (b) terminating at points in Alamosa, Rio Grande, Saguache, Conejos and Costilla Counties except when the transportation of such commodities requires the use of refrigerated equipment in transit;
- (b) Item No. (2) is restricted to rendering transportation services for the following named customers only, to wit: Skyland Food Corporation, Delta, Colorado; United Fruit Packing, Inc., Austin, Colorado; Palmer & Company, Cedaredge, Colorado; Floyd McPherson, Cedaredge, Colorado; Cedaredge Fruit Growers, Cedaredge, Colorado; Keith M. Bond, Delta, Colorado; Hi Quality Packing, Inc., Delta, Colorado; and Larry Proctor, doing business as "Red Beard Bean," Delta, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE GENERIC)
HEARINGS CONCERNING THE RATE)
STRUCTURES OF ELECTRIC UTILITIES)
OPERATING UNDER THE JURISDICTION) CASE NO. 5693
OF THE PUBLIC UTILITIES COMMISSION)
OF THE STATE OF COLORADO.)

IN THE MATTER OF THE APPLICATION)
OF DELTA-MONTROSE ELECTRIC)
ASSOCIATION, ET AL., FOR AN ORDER) APPLICATION NO. 35295
OF THE COMMISSION TO REDETERMINE)
AND RECONSIDER CERTAIN FEATURES) RECOMMENDED DECISION OF
OF ITS GENERIC CASE (CASE NO.) EXAMINER ROBERT E. TEMMER
5693) DECISIONS AS MORE FULLY)
DESCRIBED HEREIN.)

September 20, 1984

Appearances: Dudley P. Spiller, Jr., Esq.,
William H. McEwan, Esq.,
Peter R. Nadel, Esq., and
Garrett A. Stone, Esq., of the
firm Gorsuch, Kirgis, Campbell,
Walker and Grover, Denver, Colorado,
for Applicants in Application No.
35295;

Frank Cooley, Esq., Meeker, Colorado,
for Applicant White River Electric
Association, in Application No.
35295;

John J. Conway, Esq., Denver,
Colorado;
Randolph W. Starr, Esq., Loveland,
Colorado; and
David L. Roberts, Esq., Fort
Morgan, Colorado, for Petitioners
in Case No. 5693;

Frances M. Greene, Esq., Boulder,
Colorado, and
Paula Tyo Englander, Esq., Denver,
Colorado, for Intervenors National
Wildlife Federation and the Colorado
Wildlife Federation;

David C. Hjelmfelt, Assistant Attorney
General, and
Steven H. Denman, First Assistant
Attorney General (on the brief),
Denver, Colorado, for the Staff of
the Commission.

STATEMENT

The above-entitled application, to which the Commission has assigned Application No. 35295, was filed by the 14 rural electric associations who are members of the Colorado-Ute Electric Association system, on December 16, 1982. These companies will be referred to as "Applicants" in this Decision. The Commission issued notice of this application on January 25, 1983.

The National Wildlife Federation and the Colorado Wildlife Federation submitted their Petition to Intervene in the application on February 25, 1983. The Petition to Intervene was granted on March 8, 1983, by Executive Ruling No. 83-89. The Staff of the Commission filed its Entry of Appearance in the application on April 4, 1983.

The Commission issued a notice on March 29, 1983, setting the application for a hearing to be held on July 7, 1983. On April 7, 1983, a Motion to Vacate the Hearing and Set a Prehearing Conference was filed. The Commission issued its Decision No. C83-644 on April 19, 1983, denying the motion to vacate the July 7 hearing and setting the application for a prehearing conference to be held on May 23, 1983, at 9 a.m., in Denver. The Commission issued its Decision No. C83-706 on May 3, 1983, rescinding all previous procedural orders, including hearing dates, and scheduled a prehearing conference for June 7, 1983, at 9 a.m., in Denver, and scheduled hearing dates of August 11, 1983, at 9 a.m., in Denver, and reserved August 12, 1983, if necessary.

Eight rural electric associations in Colorado who are members of the Tri-State Generation and Transmission Association system filed a petition in Case No. 5693 on May 19, 1983. These companies will be referred to as "Petitioners" in this Decision.

The prehearing conference was held on June 7, 1983, and on that same date the Commission issued a notice setting a hearing for the taking of public testimony, which hearing was to be held in Craig, Colorado, at the District Courtroom on July 26, 1983.

The Commission issued its Decision No. C83-970 on June 14, 1983, which consolidated the petition filed in Case No. 5693 with Application No. 35295, and stayed the requirements of the Generic Decision for the petitioners in Case No. 5693 pending a final decision in the consolidated dockets.

Decision No. R83-988-I, concerning the prehearing conference, was issued on June 21, 1983. Decision No. R83-1069-I was issued on July 8, 1983. It set hearings for the receipt of public testimony in Montrose, Colorado, on September 7, 1983, in Cortez, Colorado, on September 15, 1983, in Glenwood Springs, Colorado, on September 20, 1983, and in Denver, Colorado, on September 22, 1983.

Decision No. R83-1271-I was issued on August 10, 1983, which decision granted the National Wildlife Federation and the Colorado Wildlife Federation leave to intervene in Case 5693.

Decision No. R83-1384-I, issued September 6, 1983, set additional hearing dates of October 6, 27 and 28, 1983, in Denver, Colorado. Decision No. R83-1695-I, issued November 4, 1983, set the additional hearing date of December 2, 1983, which date was vacated by Decision No. R83-1832-I issued December 8, 1983, and which also set the additional hearing date of January 3, 1984.

Hearings for the receipt of public testimony were held on the dates and at the locations indicated above. Numerous members of the public testified at these hearings. The hearings for the receipt of evidence presented by Applicants, Petitioners, Intervenors and Staff commenced on August 11, 1983, and concluded on January 3, 1984. The Applicants presented a witness from each one of the Applicants, and three expert witnesses. Petitioners and Intervenors presented one expert witness. The Staff of the Commission presented two witnesses. Exhibits A through Z, public witness 1, 1 through 58, 58A and 59 through 65 were marked for identification and admitted into evidence with the exception of Exhibit No. 62, which was rejected.

During the course of the hearing, various of the Applicants and Petitioners moved to dismiss or to withdraw from the proceedings on the basis that they had been deregulated pursuant to votes of their members and the Statutes of the State of Colorado. The Commission entered Decision No. C83-1562 on October 4, 1983, which granted motions of Morgan County REA, Inc., K-C Electric Association, Y W Electric Association, Inc., and Mountain View Electric Association, Inc., to dismiss as to them. Decision No. C83-1602 was entered on October 12, 1983, which dismissed Highline Electric Association as a party to the proceeding. Decision No. C83-1614 was entered on October 18, 1983, which granted a Motion to Withdraw as a Party filed by San Luis Valley Rural Electric Cooperative, Inc. Finally, the Commission entered Decision No. C83-1883 on December 20, 1983, which dismissed Union Rural Electric Association as a party. Poudre Valley Rural Electric Association was also dismissed as a party. Mountain Parks Electric, Inc., was the only remaining Petitioner in Case No. 5693.

At the conclusion of the presentation of evidence on January 3, 1984, a briefing schedule was established. Pursuant to that schedule, as modified, the Applicants filed their statement of position on February 3, 1984, and the remaining Petitioner filed its post-hearing brief on that same date. On March 5, 1984, the Intervenors filed their opposition to the statement of position filed by the Applicants and to the post-hearing brief of Petitioner. On that same date the Staff of the Commission filed its post-hearing brief. On March 20, 1984, the Applicants filed their reply statement of position and the Petitioner filed its post-hearing reply brief. Applicants also filed a motion to strike relating to a portion of the post-hearing brief of the Commission Staff, on March 20, 1984.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of 40-6-109, CRS, the Examiner transmits to the Commission the record and exhibits of these consolidated proceedings along with this written recommended decision.

FINDINGS OF FACT AND CONCLUSIONS THEREON

Based upon all the evidence of record, the following facts are found and conclusions thereon are drawn:

1. This Commission entered Decision No. C79-1111 on July 27, 1979. That Decision is the Commission's Generic Decision concerning electric rate design. It was modified by Decision No. C80-413, entered March 6, 1980, and by Decision No. C81-1198, issued July 7, 1981. These Generic Decisions set forth certain time frames within which this Commission ordered certain of the parties to that proceeding to perform certain things, including establishing specific types of rate designs for their customers.

2. Application No. 35295 seeks a deferral of the planning required for the implementation of demand energy rates for residential and small commercial customers, for seasonally differentiated rates for all classes of customers and for time of day rates for large commercial and industrial customers. The application makes reference to the Applicants' desire to do this on a "partnership" basis with the Commission and, states that it is Applicants' belief that the Generic Case or Decisions of the Commission allow for the presentation of evidence about the costs of implementing those types of rates and the benefits that may possibly accrue from them. The relief requested in the application is to be excused from establishing demand energy rates, seasonally differentiated rates and time of day rates.

3. The petition filed by the Petitioners seeks an exemption from or an extension of time to comply with the requirements of the Generic Decisions concerning time of days rates for industrial and large commercial customers, demand energy rates for new all electric residential and commercial customers, voluntary demand energy rates for existing customers and heat storage rates.

4. Most of the Applicants produced an employee witness at the hearing to explain that Applicant's particular reasons for its objections to demand energy rates, seasonal rates and time of day rates. The reasons stated for objection to demand energy rates were: that their member consumers do not understand the demand energy rate form; that their member consumers like the flat energy rate form that was in effect during the time the hearing was held; that they would have to engage in a program of reading meters; that the implementation of the demand energy rate structure would be too costly; that it would require member consumers to acquire load controllers which would be expensive for the member consumers; that the wholesale supplier of the Applicants was in a surplus capacity position and that there would be no near term benefits from establishing a demand energy rate structure; that any benefits to be gained would be too speculative; that the peak demand of their consumers may not coincide with that of the supplier so that there would not be a benefit; that there would be no incentive to conserve for the consumer after a high demand had once been established during a month; that the establishment of a demand energy rate structure could create discrimination between classes; that it could cause definitional problems in defining what an all-electric consumer is; and that establishing such rates would force social change, which the Applicants felt was not an appropriate thing for them or this Commission to do. In regard to seasonal and time of day rates, the reasons given for opposition were that it was felt that such rate forms would not be of benefit, considering their systems and customers, that it was felt they would penalize some customers, and it was felt they would simply increase the cost of operating the distribution associations.

5. The managers or employees of the Applicants that testified concerning meter reading, generally alleged that it would create extra expense for the particular association involved, if they were required to read meters. Exhibit 8 is a copy of a study concerning the costs and benefits of a meter reading program conducted by Applicant Intermountain Rural Electric Association. That study concludes as follows: "In conclusion, the benefits resulting from the association meter read program far outweigh the disadvantages. If at all possible this program should continue." There are benefits to be gained from reading all meters, rather than having consumers read them and send in the reading. One Applicant has found that the benefits outweigh the costs.

6. None of the Applicants prepared an individual cost benefit analysis concerning the implementation of demand energy rates. Some of the Applicants did prepare some type of estimate of the costs that would be involved for its particular situation, however, all of the Applicants relied on the assumptions and data set forth in the study prepared by Mr. Keith.

7. Almost all of the members of the public that appeared and testified during the hearings for the presentation of public testimony objected to the implementation of demand energy rates. There was a general feeling that such rates would increase their costs for electricity, and that they would be hard to understand. The people felt that they would have to purchase load control equipment, and some felt they would rather spend that money on conservation devices. They did not see benefits coming from such a rate structure. Some stated they had originally obtained electrical service for the convenience involved, and they wanted to be able to use it when they wanted to. Also expressed was the concern that the establishment of demand energy rates would cause social change, which, it was felt, was not the proper province of this Commission. It was also expressed that it would be unfair to establish demand energy rates for some customers and not for others. A number of customers stated that due to the nature of their business or employment, that they must use electricity at certain times for certain purposes and cannot put off the use thereof, which could cause them to incur a penalty in the form of large bills under a demand energy rate structure. The concern was also stated that once a high demand had been established for a month, that there would be no more conservation because the feeling would be that the bill was going to be high and that electricity should be used as much as possible. In general, the public witnesses reiterated most of the same concerns that the managers and employees of Applicants stated.

8. The Applicants had an estimate prepared of the costs that could be incurred by them and their customers if demand energy rate designs were implemented in their systems. This estimate was prepared by Raymond E. Keith, Manager of Substation Engineering and Construction for Colorado-Ute Electric Association, Inc. The details of the estimate are contained in Exhibit 1. It relates only to the residential class. Mr. Keith concludes that a total investment of approximately \$70,000,000 and a commitment of over \$100,000,000 could be required. He also concluded that in order for any significant benefits to accrue there would have to be a significant saturation of customers on demand energy rates. A detailed estimate or study of the possible benefits accruing from the implementation of demand energy rates was not prepared by this witness. The cost estimate prepared by this witness was criticized because: the meters proposed were more expensive than required; the proposed study for the gathering of information to be used in the design of a demand energy rate structure was more extensive and more costly than necessary; and the level of saturation chosen by Mr. Keith was too high.

9. Petitioners presented R. Wayne Stafford as their expert witness. He noted that the growth in the energy usage for the Petitioners was less than as specified in the Generic Decision, and concluded that this showed that mandatory rate reforms were not necessary. He also contended that the implementation of the rate reforms ordered by the Commission would be costly and that there are lower cost alternatives to them. Costs were developed by Mr. Stafford for implementing the programs including meter costs, additional meter reading costs and operating costs. He concluded that significant costs would be incurred by each of the Petitioners. At the end of the proceedings, only one Petitioner remained, Mountain Parks, and the evidence shows the costs expected or

projected by Mr. Stafford for Mountain Parks. Mr. Stafford also concluded, since Tri-State (the supplier for Petitioner) is in a surplus capacity position, that the rate reforms would be counterproductive because they would tend to reduce usage. Fixed costs would then have to be spread over less usage, which would tend to increase rates. Mr. Stafford also suggested that time of day rates would be inappropriate. Petitioners' supplier has sufficient capacity to take care of needs through the 1990s. Thus, time of day rates would not result in any capacity savings, it was contended because of the existing capacity position.

10. Mr. Stafford's study was criticized because it did not provide enough specific data about specific Petitioners, and because it assumed greater saturation for the rate structure than required. The rates of saturation assumed by Mr. Stafford were 25%, 50% and 100%. Evidence regarding Intermountain indicates that between six and seven percent of those able to elect the demand energy rate structure would do so. Therefore, the estimates used by Mr. Stafford may be somewhat high. Mr. Stafford's study concentrated primarily on costs and did not have a detailed analysis of any benefits that might result from the implementation of the various rate structures. The conclusion that any benefits would be speculative is largely unsupported.

11. The Intervenor presented Dr. Daniel F. Lukey as their expert witness. Dr. Lukey performed a study to see if there was a correlation between the individual demands of the Applicants and the Colorado-Ute total system. That study shows that the demand peaks for the individual Applicants are highly coincident with the system peak, and that a reduction in the individual peak demand of an Applicant will lead directly to a reduction of total system peak demand. Thus, reducing the demands of individual consumers will reduce the demand of the individual Applicant, which in turn will reduce the system demand. This study related only to the Colorado-Ute system, and it did not consider peak shifting or wandering.

12. The Staff, in its direct case, presented two witnesses. One of the witnesses analyzed the studies performed for the Applicants and Petitioners by their experts, and also analyzed the testimony presented on behalf of the Applicants by the general managers and employees of the individual Applicants. That testimony establishes that there are certain problems with the studies conducted by the experts for the Applicants and the Petitioners and it makes certain corrections to those studies. It also discusses concerns raised by the Applicants and Petitioner. The other Staff witness reviewed the rate forms for which the Applicants and Petitioners have sought exemption, and analyzed their applicability to Applicants and Petitioners at this time. The conclusion of that witness was that all of the rate forms should still be implemented by Applicants and Petitioners, including the time of day rates, seasonally differentiated rates, demand energy rates, and heat storage rates. The witness did conclude that perhaps the threshold for time of day rates should be changed from 500 kilowatts to one, two or four megawatts. This witness stated that the Commission had changed the limit for Public Service Company to four megawatts, and that if this limit was established that it would allow for a cautious implementation of time of day rates. This Witness conducted a cost benefit analysis concerning demand energy rates and concluded that the benefits from implementing demand energy rates would outweigh the costs associated therewith. The incremental cost and benefit analysis showed total costs slightly in excess of 80 million dollars over the period from 1984 through 2008, and benefits for the same period slightly in excess of 194 million dollars.

13. Applicants presented Messrs. Michael and Gustafson in rebuttal to Staff. Surrebuttal testimony was presented by the two Staff witnesses, and a reply to the surrebuttal was presented by Messrs. Michael and Gustafson. Messrs. Michael and Gustafson criticized the presentation of Staff on various bases. In response thereto, Staff revised its benefit cost analysis to show total annual costs to new consumers of just over 71 million dollars and to show expected total savings of over 195 million dollars. Applicants' witness then made adjustments to Staff's cost benefit analysis, and contended that the total annual cost to new consumers would be in excess of 119 million dollars and that the total savings would only be slightly in excess of 88 million dollars over the time period from 1984 through 2008. The Applicants' witnesses also contended that time of day rates would not be beneficial for the Applicants' systems. Staff disagreed.

14. The main differences between the cost benefit analysis performed by Mr. Mitchell and the one performed by Mr. Gustafson involved costs for demand controllers that would be purchased by consumers, maintenance costs for those controllers, the amount of generation and purchase savings, and whether or not any savings for transmission and distribution should be included. The last area is one of the larger differences between the two studies.

Mr. Gustafson contended that load control could cause shifts in demand such that there would not be any savings in the transmission and distribution system because of the total demands placed on the system after load control was implemented, and that without specific studies that this type of savings should not be included. The evidence shows that some savings in the transmission and distribution system certainly could occur. The total exclusion of this type of savings from the study is not warranted. These studies are predictions of what may happen in the future based on the best available data.

The second major difference between the Gustafson study and the Mitchell study is the amount of generation and purchase savings. The assumptions of Staff concerning discrete deferral of generation capacity was the main difference between the two. The assumptions of Staff in this regard are supported by the evidence in this case concerning what actually occurs about generation deferrals. There was also disagreement concerning the magnitude of reduction in demand which would result from the use of load controllers. Staff's position is reasonable.

The main difference between the Mitchell study and the Gustafson study about the cost of a demand controller and the economic life thereof, which bears on the maintenance costs, is that Mitchell assumed a longer life for the devices than Mr. Gustafson. Both positions have some basis to support them. Staff's position is reasonable. However, even if Mr. Gustafson's position on cost is accepted, his position on saving understates the potential for saving and it appears that the benefits of a demand energy rate still outweigh the costs associated therewith.

15. Applicants argued that there is insufficient specific data about their systems to allow them to make a determination concerning the various rate structures under consideration in this proceeding. They criticized Staff for using donor data or transferred data. Applicants and Petitioners have not performed studies of their systems to collect the type of data that is needed in connection with the type of rates under consideration here. That does not mean that nothing should be done concerning these types of rate designs in connection with Applicants and Petitioners. Using donor data or transferred data is a method to evaluate whether or not these types of rate forms would be beneficial, and it has validity for the purposes it was used for in this proceeding.

Some of the documentary evidence presented in this proceeding does point out that such data should be used with caution and that certain problems can exist with its use. In this case, it was the best data that was available. Its use was appropriate.

16. Some of the witnesses for Applicants stated that space heating was not a significant contributor to the Colorado-Ute system load. The evidence in this proceeding establishes that electric space heating is a significant contributor to the system peak for many of the Applicants and the Colorado-Ute system. It will continue to be so in the future and will probably increase.

17. It was contended in this proceeding that the wholesale suppliers are currently in an excess capacity situation, and that growth in the number of customers and the usage per customer is not as predicted by the Commission in its Generic Decision. It is argued that these factors combined make it inappropriate to establish the rate reforms required by the Generic Decision. The rate reforms required by the Generic Decision, when implemented, will produce benefits over a period of time and will reduce demand by larger amounts as time goes on. When the wholesale suppliers come to a time in the future where more capacity will be required, the implementation of the rate reforms required by the Generic Decision will have reduced demand, and will alter the requirements for additional capacity. The implementation of the rate reforms should not be delayed on the basis that there is presently excess capacity.

18. Applicants argue that the implementation of demand energy rates may cause problems such as peak shifting and peak chasing, which may be detrimental to the system. Insufficient evidence was presented to establish that these problems will occur.

19. A substantial amount of evidence was presented in this record concerning load control methods and whether or not the load control methods addressed in this proceeding, and as required by the Generic Decision would be appropriate. The evidence indicates that there are a number of different kinds of load control programs being utilized in different parts of the country. The evidence does not establish that the load control methods and rate reforms required by the Generic Decision would be inappropriate for the Applicants or the Petitioners.

20. Applicants contend that the burden of proof in this matter is not really upon them. Applicants have filed their application seeking exemption from the requirements of the Generic Decision, and as such, they are the proponent of the order. This places the burden of proof upon Applicants. Applicants also make an argument that the Commission's Generic Decisions are in violation of the Administrative Procedure Act since the procedures for rulemaking were not complied with. This argument has been raised before the Commission in previous matters and has been rejected, and it is rejected in this proceeding.

21. An argument advanced in this proceeding is that the deregulation of a number of the distribution cooperatives removes the benefits of the rate reforms of the Generic Decision and, therefore, the distribution associations remaining subject to the jurisdiction of the Commission should not be required to implement them. This argument is rejected. Benefits will still be realized from the implementation of the Generic rate requirements even if they are only implemented by the distribution cooperatives remaining subject to the jurisdiction of this Commission.

22. The Applicants argue that there is a lack of customer acceptance of demand energy rates, and that for this reason they should not be implemented. It is, of course, true that the public witnesses that testified in this proceeding were overwhelmingly against the implementation of demand energy rates. They found it hard to understand demand energy rates, and seemed to prefer the more simple flat energy rates that most of them were experiencing. The evidence establishes that a significant amount of adverse publicity has been given to demand energy rates and that the Applicants in this proceeding have distributed a large amount of such materials. The evidence in this proceeding also shows that utilities in other states, when implementing load control programs, have engaged in public information programs that have resulted in customer acceptance and understanding of the rates. Such programs could and should be used by the Applicants in this proceeding to educate their customers, and to explain to them how the rate forms work and what benefits will be realized from them.

23. The evidence in this proceeding does not establish that the application of the Applicants or that the petition of the Petitioners should be granted. The only modification that should be made to the requirements of the Generic Decision is that the provisions concerning time of day rates should be modified so that they would be required for loads of four megawatts or larger.

24. Applicants filed a motion to strike on March 20, 1984, relating to portions of Staff's post hearing brief. Said motion should be denied.

25. Pursuant to the provisions of CRS 40-6-109, it is recommended by the Examiner that the following order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The requirements of the Commission's Generic Decisions (Decision No. C79-111, Decision No. C80-413 and Decision No. C81-1198), as applicable to the Applicants and Petitioners in this proceeding, are hereby modified so that the requirements concerning time of day rates shall only be applicable to those consumers on their systems that have a demand of four megawatts or greater.

2. Application No. 35295 is denied to the extent that it is inconsistent with Paragraph 1 of this Order.

3. The Petition filed on May 19, 1983, in Case No. 5693 is denied, except as to the extent granted by Paragraph 1 of this Order.

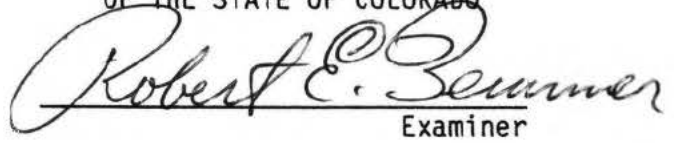
4. The Motion to Strike filed by Applicants on March 20, 1984, is denied.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be

served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc:5057c

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DOUGLAS E. BROWN)
6308 WEST 84TH AVENUE)
ARVADA, COLORADO 80003)
Complainant,)

CASE NO. 6384

RECOMMENDED DECISION BY
EXAMINER ARTHUR G. STALIWE

vs.)

PUBLIC SERVICE COMPANY)
OF COLORADO)
550 15TH STREET)
DENVER, COLORADO 80202)
Respondent.)

- - - - -
September 19, 1984
- - - - -

Appearances: Douglas E. Brown, Arvada,
Colorado, pro se;

Kenneth V. Reif, Esq., Denver,
Colorado, for Respondent,
Public Service Company of
Colorado.

STATEMENT OF THE CASE

By complaint filed May 3, 1984, Douglas E. Brown alleges that Public Service Company of Colorado is improperly denying natural gas service to a lot he and his wife own, Lot 169, Louisville North Subdivision, Louisville, Colorado.

On May 9, 1984, the Commission sent an order to satisfy or answer to Public Service Company. On May 30, 1984, Public Service Company answered, denying in pertinent part all the material allegations in the complaint.

The matter came on for hearing before Examiner Arthur G. Staliwe on July 2, 1984. At the conclusion of the hearing the matter was taken under advisement.

Pursuant to the provisions of CRS 40-6-109, Examiner Staliwe now transmits to the Commission the record and exhibits of said hearing, together with a recommended decision containing findings of fact, together with a written recommended decision containing findings of fact, conclusions, and order.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. In April 1984, Douglas E. Brown and his wife purchased Lot Number 169, First Filing, Louisville North Subdivision, Louisville,

Colorado, a 100 foot wide by 130 foot deep lot designed to accommodate a detached single family residence. A house is under construction on that lot for the Brown family.

2. The Louisville North Subdivision itself is partly located over an abandoned natural gas field. In the late 1930's Continental Oil Company drilled various gas wells in and about the area now encompassed by the Louisville North Subdivision, to include a gas well known as Borra Number 1 drilled in 1939.

3. When the Louisville North Subdivision came into being, it was discovered that natural gas from the old, abandoned wells was migrating from the well sites through faults in the surrounding earth to various lots in the Louisville North Subdivision, to include lots in and about the area around Lot No. 169. This lot is located 215 feet from Borra No. 1.

4. Public Service Company of Colorado, a gas utility as well as electric utility, agreed to provide gas service to the Louisville subdivision, with the exception of several lots located either near the Borra No. 1 gas well, or those discovered to be along the migration route followed by gas escaping from the well. One of those lots is Lot No. 169.

5. Recognizing the dangers inherent in having residences located on or near migrating natural gas, and probably prodded by Public Service Company's refusal to provide gas to several lots, the developer of the subdivision had the Borra No. 1 well plugged in February 1976. The record in this matter establishes that both at the surface, as well as 18 inches below the surface, there has been no indication of escaping natural gas from Borra No. 1 for at least 4 years preceding the hearing.

6. It should be noted at this time that Public Service Company has no connection with the Borra No. 1 gas well; its domestic natural gas distribution system in the area is not connected in any way to the old, abandoned gas wells in question. Rather, Public Service Company declines to provide gas service to several lots in the area, to include Lot Number 169, on the theory that to run a gas line underground into the house would require disturbing the soil where the gas line is laid, thus providing a natural conduit in the soil for migrating natural gas to follow into structures located on the lots in question. However, the record establishes that all utilities in that subdivision must be underground, to include electrical service as well as water and sewer. And, Public Service Company shows no reluctance in extending underground electric service to all lots.

From all the evidence presented, and every inference deducible therefrom, the Examiner can only find that no small part of Public Service Company's reluctance to serve the lots in question, stems from a desire to avoid tort liability resulting from a lawsuit should anything catastrophic happen involving natural gas.

DISCUSSION

To begin, it is a well settled principle of public utility law that a public utility has no right to refuse its service because of collateral matters not related to the service. Seaton Mountain Electric Co. v. Idaho Springs, 49 Colo. 122, 111 P. 834 (1910); Hicks v. City of Monroe Utilities Commission, LA. App., 108 So.2d 127 (1959), aff'd, 237 LA. 848, 112 So.2d 635 (1959), and authority cited therein. Also, it is axiomatic that the power to impose an unreasonable condition upon a customer is the power to refuse the service itself. Hicks v. City of Monroe, supra.

In the instant case, the articulated reason for refusing to provide natural gas service is an unwillingness to disturb the soil around the house to be served. Yet, Public Service Company has no qualms about providing underground electrical service in a manner similar to the way it would provide the gas. Obviously, disturbing the soil is neither the only, nor the foremost, consideration here. Rather, the fear of being held liable for a catastrophe not of its making seems to be the compelling reason behind Public Service Company's refusal to serve gas.

The Examiner is aware of Public Service Company's fear of being held liable for a gas explosion, with the resulting property damage and possible injury or death to individuals. The ability of Public Service Company, or any other public utility, to obtain an impartial jury is difficult in these times of rapid rate increases. And, large verdicts and/or settlements effect not only the company, but also the ratepayers who must later pay for the increased insurance costs through their monthly bills. Public Service Company's decision to refuse gas service to the lot in question here is not irrational. It is, however, unreasonable.

Even though the Browns have knowingly elected to build on a potentially dangerous location, that danger appears to be under control, certainly sufficient to allow compacting of the soil around the gas pipe. Further, if Public Service Company's gas line and meter are located remote from the house, with the Browns being responsible for the gas line from the meter to the house, then Public Service Company's fear of tort liability is assuaged. Accordingly, it will be the order of the Examiner that Public Service Company provide gas service to the Brown's lot, but no closer than 25 feet to the structure being served with gas. From a meter located at least 25 feet from the house, the Browns will be responsible for the installation of the gas line into their house.

As an aside, the Examiner urges the Browns to consult with Public Service Company regarding the installation of their line, and spare no expense in its construction. Further, because of the potential danger of migrating natural gas from the abandoned gas wells, the Examiner hopes the Browns take every precaution to detect natural gas in their house, to include the installation of gas detectors at all likely entry points.

CONCLUSION

1. Pursuant to CRS 40-4-101 this Commission has jurisdiction over the subject matter and the parties.
2. Public Service Company's outright refusal to serve natural gas to Lot No. 169, Louisville North Subdivision, is unreasonable in light of the current (and recent past) lack of escaping natural gas from the Borra No. 1 gas well. Accordingly, Public Service Company should be made to serve the lot, but with sufficient safeguards to insure that its natural gas service will not be mistakenly held responsible for subsequent problems not of Public Service Company's making.

3. Pursuant to CRS 40-6-109 the Examiner recommends that the Commission enter the following order.

ORDER

THE COMMISSION ORDERS THAT:

1. Public Service Company is hereby ordered to provide natural gas service to Lot No. 169, Louisville North Subdivision. However, in recognition of the potential problems with Lot No. 169, and Public

Service Company's exposure to liability, Public Service Company need not provide gas service (line and meter) closer than 25 feet from the structure receiving gas. The Commission urges cooperation between the parties in positioning the gas line and meter.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|-------------------------------------|-----------------------------|
| IN RE THE MATTER OF MOTOR VEHICLE) | |
| CARRIERS LISTED ON "APPENDIX A") | |
| HERETO,) | RECOMMENDED DECISION OF |
|) | EXAMINER WILLIAM J. FRITZEL |
| Respondents.) | |

- - - - -
September 24, 1984
- - - - -

Appearances: Gordon W. King, of the Staff
of the Commission

STATEMENT

These cases were instituted by an Order to Show Cause and Notice of Hearing duly issued pursuant to law by the Secretary of the Commission and served upon the Respondents on August 13, 1984. The cases were duly called for hearing pursuant to such notice on August 27, 1984, at 8:30 a.m., in a Hearing Room of the Commission, 1580 Logan Street, Office Level 2 (OL-2) Denver, Colorado, by William J. Fritz, Examiner, to whom the matters had been duly assigned pursuant to law.

None of the Respondents listed on "Appendix A" appeared at the hearing, except as listed in the Appearances above.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner William J. Fritz now transmits to the Commission the record of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT AND CONCLUSIONS THEREON

Based upon all the evidence of record, the following facts are found to exist and conclusions thereon drawn:

1. This is a proceeding initiated by the Commission against Respondents to show cause why this Commission should not revoke their Certificates and/or Permits for failure of said Respondents to properly maintain on file with the Commission tariffs, as required by the law and the rules and regulations of the Commission. Respondents were ordered to appear before the Commission on August 27, 1984 at 8:30 a.m., or to file with the Commission prior to said date and time the necessary tariffs.
2. None of the Respondents, nor anyone on their behalf, appeared at the scheduled hearing, except as noted in the Appearances above. Evidence presented by the Staff of the Commission clearly shows that Respondents have failed to properly maintain on file with the Commission the necessary tariff as required by law and the rules and regulations of the Commission.
3. The operating authorities of the Respondents listed on "Appendix A" should be revoked for failure to maintain on file with this Commission a tariff, as required by law and the rules and regulations of the Commission, and/or failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

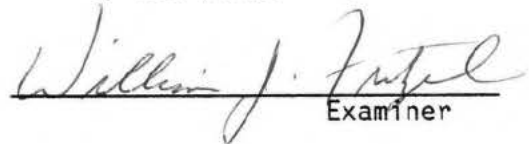
4. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities listed on the attached "Appendix A" hereto, and by reference incorporated in this Order, be, and hereby are, suspended as of the effective date of this Order.
2. The operating authorities of the Respondents, as identified on "Appendix A" attached hereto, be, and hereby are, revoked as of the sixtieth (60th) day following the effective date of this Order.
3. Ordering Paragraph 1 shall be null and void and the respective case shall be dismissed by the terms hereof, if said Respondent files the required tariff prior to the effective date of this Order.
4. Ordering Paragraph 2 shall be null and void if the respective Respondent files the required Tariff prior to the sixtieth (60th) day following the effective date of this Order.
5. The Commission retains jurisdiction herein to make such further and additional orders as may be just and necessary.
6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
7. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973. In the event exceptions are filed herein to this Recommended Decision by a Respondent, only such part of the Recommended Decision shall be stayed, pursuant to 40-6-109, CRS 1973, as to the particular case involved in said Respondent's exceptions.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jm: TSC/E

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>CERTIFICATE/PERMIT NO.</u> | <u>CASE NO.</u> |
|---|------------------------------------|-----------------|
| FOX TRUCKING COMPANY, INC. 12950 East 38th Avenue Denver, Colorado 80239 | B-9331 | TF-433 |
| ORVILLE DUNLAP & SON, INC. 60078 Jay Jay Road Montrose, Colorado 81401 | B-4910, B-5654, B-6292 & B-7358 | TF-435 |
| JERRY SMITH TRUCKING Mr. Jerry Smith, dba 406 North Columbus Yuma, Colorado 80759 | B-9243 | TF-436 |
| SHERIDAN HAY SALES 6911 East 104th Avenue Denver, Colorado 80233 | B-9233 | TF-437 |
| METRO DELIVERY SERVICE Terrill M. Rogers and Jane M. Lee, dba 1416 Kingsley Drive Colorado Springs, Colorado 80909 | 1970 | TF-439 |

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOHN ELLS, JR., DOING BUSINESS)
AS "YELLOW CAB COMPANY OF FORT)
COLLINS", 718 NORTH 11TH AVENUE,)
GREELEY, COLORADO 80631, FOR)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36187

COMMISSION ORDER GRANTING
MOTION FOR CONTINUANCE OF
TEMPORARY AUTHORITY

September 18, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 7, 1984, Applicant John Ells, Jr., doing business as "Yellow Cab Company of Fort Collins," (Ells) filed a motion requesting Commission order for continuation of temporary authority until final Commission decision in this matter.

By the motion for extension of temporary authority, Ells alleges that his temporary authority will expire on or about September 8, 1984, and scheduled hearing date has been vacated and reset for September 21, 1984, past the expiration of his present temporary authority. Ells also states that no parties will be prejudice by an extension of temporary authority and good cause for such extension exists so that Ells may continue to provide the service previously granted him, pending final Commission decision herein.

The Commission finds that the application for continuance of temporary authority filed by Ells on September 7, 1984, sets forth good grounds for the granting thereof. Accordingly, the Commission will order that the temporary authority granted to Ells by Commission Decision No. C84-376 be extended until final administrative decision in this matter.

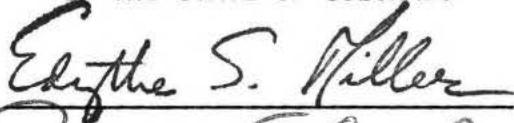
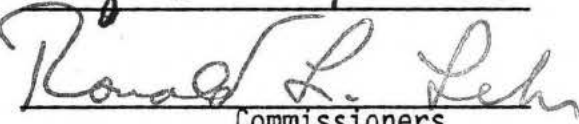
THEREFORE, IT IS ORDERED THAT:

1. The temporary authority issued to John Ells, Jr., doing business as "Yellow Cab of Fort Collins," by Commission Decision No. C84-376 is extended until final administrative decision in this docket.

2. This Order is effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

TRANS MOUNTAIN MANAGEMENT, INC.
DOING BUSINESS AS "MELLOW YELLOW
TAXI COMPANY," P.O. BOX 8290,
ASPEN, COLORADO 81612,

Complainant,

vs.

THE MOUNTAIN STATES TELEPHONE
AND TELEGRAPH COMPANY
1005 17TH STREET
DENVER, COLORADO 80202

Respondent.

CASE NO. 6417

COMMISSION ORDER GRANTING
REQUEST THAT SERVICE
NOT BE DISCONTINUED

September 18, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 11, 1984, Complainant Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company" (Mellow Yellow) filed the above-captioned complaint where the Mountain States Telephone and Telegraph Company (Mountain Bell) was named as Respondent. The complaint generally alleges that Mountain Bell has improperly billed Mellow Yellow for telephone service, and refuses to appropriately correct the type of service rendered to Mellow Yellow by Mountain Bell.

Mellow Yellow requests that Mountain Bell be required to continue Mellow Yellow's telephone service pending the resolution of the complaint. After review of the formal complaint, and the request of Mellow Yellow that service not be discontinued, the Commission finds that Mellow Yellow's request should be granted. However, Mellow Yellow should be required to post cash or corporate surety bond in the amount in controversy with Mountain Bell as security for the continuance of such service.

The Commission also finds that response by Mountain Bell to Mellow Yellow's request that service not be discontinued should be waived because of the emergent nature of the request.

THEREFORE, THE COMMISSION ORDERS THAT:

1. The request of Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company," that its current telephone service provided by the Mountain States Telephone and Telegraph Company be not disconnected, pending final resolution of complaint Case No. 6417 is granted.

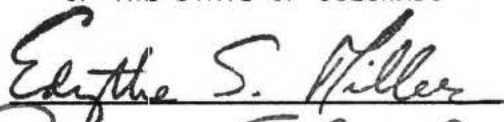
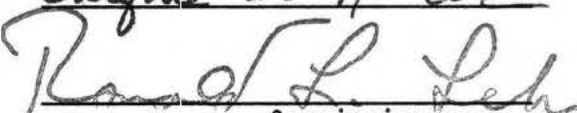
2. The Mountain States Telephone and Telegraph Company shall not discontinue the current telephone service of Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company," pending final resolution of Case No. 6417. This requirement is conditioned upon the posting of corporate surety bond or cash by Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company," with the Mountain States Telephone and Telegraph Company in the amount in controversy herein within 10 days of the effective date of this decision and Order.

3. Response to the request to not disconnect service of Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company," by the Mountain States Telephone and Telegraph Company is waived.

4. This Order is effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

0111g

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE DESIGNATION)
OF ELECTRIC UTILITY TRANSMISSION)
FACILITIES AND ELECTRIC UTILITY)
GENERATION FACILITIES FOR WHICH)
AN APPLICATION TO OBTAIN A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY IS REQUIRED, OR THE)
FILING OF A FORMAL DETERMINATION)
THAT NO CERTIFICATE IS REQUIRED.)

CASE NO. 6396

ORDER OF THE COMMISSION
PERTAINING TO CERTIFICATION
OF FACILITIES

- - - - -
September 18, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 30, 1983, in Case No. 5320, the Commission by Decision No. C83-1791, upon an application for rehearing, reargument or reconsideration, modified Rule 18, Construction Requirements, of the Rules Regulating the Service of Electric Utilities. Rule 18, as now modified, requires that each Colorado electric utility shall file with the Commission, no later than April 30 of each year, a schedule of its proposed new construction or extensions for the next three subsequent calendar years pertaining to generation and transmission facilities as are more particularly described in sections (d) and (e) of Rule 18.

Rule 18 further provides that within thirty days following the submission of such information the Staff shall make its recommendations to the Commission on what new construction or the extension of transmission projects and what new construction or the extension of facilities which will result in an increase in generating capacity for the utility of ten megawatts or more, which construction or extension is scheduled to begin in the next calendar year, requires no certificate of public convenience and necessity, or whether an application for such certificate for a formal determination that no such certificate is required.

Rule 18 further provides that the Commission shall issue its decision on whether a certificate is not required, or whether an application for a certificate of public convenience and necessity for a formal determination that no such certificate is required shall be issued within sixty days of April 30 of the calendar year in which the data is filed.

Rule 18(g) provides that the information and data filed by each utility shall be public information, available for inspection at the offices of the Commission, during regular business days and hours. The Rule further provides that the Commission will give notice of the filing of such data to all those, who in the opinion of the Commission, are interested persons, firms, or corporations.

On June 19, 1984, by Decision No. C84-702 and on August 14, 1984 by Decision No. C84-890, the Commission gave notice to all interested persons, firms and corporations that various investor-owned utilities and rural electric associations had submitted information and data with respect to proposed construction of transmission and generation facilities in accordance with Rule 18 of the Rules Regulating the Service

of Electric Utilities of the Public Utilities Commission of the State of Colorado. No comments have been filed by any persons, firms or corporations in regard to the projects identified by the data filed with the Commission.

The Staff of the Commission has reviewed each of the projects. The Staff has recommended, of the various projects submitted for review, the utilities sponsoring the following projects should be required either to obtain a certificate of public convenience and necessity for the same or obtain a formal determination that such a certificate is not required.

- A. Colorado-Ute Electric Association, Inc.
 - 1. Panhandle Interconnection.
 - 2. Terror Creek Cogeneration Project.
- B. Public Service Company of Colorado
 - 1. Pawnee 2 - 1990 485 MW Net.
- C. Empire Electric Association, Inc.
 - 1. Dolores Project - Transmission Facilities.
- D. Grand Valley Rural Power Lines, Inc.
 - 1. Shell Oil Pump Station Line.
- E. K. C. Electric Association
 - 1. Arriba Tap to Arriba Sub. 115 KV Line.
- F. Moon Lake Electric Association
 - 1. Desert G & T 138 KV Tap.
- G. San Miguel Power Association, Inc.
 - 1. Rebuild and Rehabilitation of 44 KV to 115 KV Facilities.
- H. Mountain View Electric Association, Inc.
 - 1. Falcon Air Force Station, 115 KV Line and Switching Station.
- I. San Isabel Electric Association, Inc.
 - 1. Ludlow to Pinon Canyon Line.

Except as hereinabove indicated, the Staff did not recommend that any other projects either require a certificate or a formal determination that no such certificate is required.

The Commission states and finds that the recommendations of the Staff are reasonable, and in accordance with applicable law, and that they should be adopted.

O R D E R

THE COMMISSION ORDERS THAT:

- 1. Each public utility which is listed in the foregoing Findings of Fact shall file an application for a certificate of public convenience and necessity, or file an application for a formal determination that no certificate of public convenience and necessity is required for each of the projects listed in the foregoing Findings of Fact under its respective name.
- 2. This Order shall be effective thirty days from the day and date hereof.
- 3. The 20-day time period provided for pursuant to C.R.S. 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Ronald L. Lehn
Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|-----------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF HOME LIGHT AND POWER COMPANY |) | APPLICATION NO. 36084 |
| FOR AUTHORITY TO PLACE INTO |) | (FCA 9-84) |
| EFFECT FUEL COST ADJUSTMENT. |) | |

- - - - -
September 18, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

1. Applicant is Home Light and Power Company.
2. Address of Applicant is 910 Ninth Street, Greeley, Colorado 80631.
3. Applicant has incurred decreased fuel costs of \$.00263/kwh for the month of September, 1984.
4. Applicant desires to place into effect, on not less than one (1) days notice, the tariff attached hereto as Appendix A to reflect said decreased cost.
5. Applicant will not exceed its last authorized rate of return by virtue of the fact the tariff attached hereto as Appendix A is placed into effect.
6. Foregoing is verified by Michael J. McFadden, Director Federal Rate Regulatory Services.

C O N C L U S I O N

Granting of the within Application is in the public interest.

An appropriate order will be entered.

O R D E R

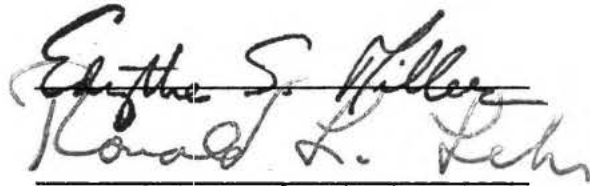
THE COMMISSION ORDERS THAT:

1. Application No. 36084 (FCA 9-84) is approved and Home Light and Power Company is authorized to place into effect the tariff attached to the herein Application as Appendix A, on not less than one (1) day's notice.
2. Application No. 36084 (FCA 9-84) is subject to such further order or orders of the Commission as may be appropriate.
3. Rule 18 A 5 is waived herein.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

jw:5204A

HOME LIGHT and POWER COMPANY

214001 APPENDIX A

FUEL COST ADJUSTMENT DATA
UNDER COLORADO P.U.C. NO. 10 - ELECTRIC
SECOND REVISED SHEET NO. 55

| | |
|---|--------------------|
| Fuel Cost Month | September 1984 |
| Fuel Cost Paid by Home Light and Power Company | \$(0.00123) |
| Ratio | 1.06 to 1 |
| Adjustment per KWH | \$(0.00130) |
| Applied to Bills with Meter Readings Beginning | September 24, 1984 |

Advice Letter No. _____ msGuile _____ Issue Date _____
Decision or _____
Authority No. C84-1054 Vice President & General Mgr. Effective Date September 24, 1984
Title _____

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|-------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF PUBLIC SERVICE COMPANY OF |) | APPLICATION NO. 36542 |
| COLORADO FOR AN ORDER AUTHORIZING |) | |
| IT TO EFFECT CERTAIN REVISIONS IN |) | ORDER OF THE COMMISSION |
| ELECTRIC RATES UPON LESS THAN |) | AUTHORIZING REVISION |
| STATUTORY NOTICE. |) | OF ELECTRIC RATES |

September 18, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 12, 1984, Public Service Company of Colorado, Applicant herein, filed the within verified application. Said application seeks an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on September 24, 1984, tariffs resulting in a decrease to its existing electric rates now on file with this Commission. Applicant states that its proposed decrease in electric rates is to reflect a decrease in its cost of purchased and generated electricity and that it is unjust and unreasonable to bill consumers at the existing electric cost adjustment rate which is based on average energy costs which are higher than those more recently incurred.

The proposed tariffs, which are attached to the application herein affect all of Applicant's customers.

FINDINGS OF FACT

1. Applicant generates and distributes electrical energy to residential, commercial, industrial and public consumers within its certificated service areas within the State of Colorado.
2. This Commission has no jurisdiction over the rates charged or prices set by Applicant's suppliers of fuel for the generation of electricity.
3. Applicant's total energy cost during the month of August, 1984, was \$29,260,682. For said month, 95.3556% of Applicant's energy costs are applicable to the calculation of the electric cost adjustment.
4. Applicant's present tariffs, excluding the electric cost adjustment are based on an energy cost of \$.01821 per Kwh.
5. Applicant's proposed electric cost adjustment is based on an energy cost of \$.02053 per Kwh. This adjustment, if made effective, will result in decreased revenues during the month in which it will be applied of \$4,267,288 below that being produced by Applicant's current electric cost adjustment. The annualized effect of this decrease in energy cost is a reduction of \$43,611,688.
6. Applicant's proposed electric cost adjustment substantially reflects its decreased cost of energy.

7. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Rocky Mountain News and the Denver Post newspapers of general circulation in the area affected.

8. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on the reduction of Applicant's energy costs would do substantial harm to the customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decrease on less than thirty (30) days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. Public Service Company of Colorado, be, and hereby is, authorized to file on not less than one (1) day's notice, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event Public Service Company of Colorado's energy cost per Kwh decreases below that upon which its present energy cost tariff is based, Public Service Company of Colorado shall notify the Commission forthwith of such decrease and shall file an application, with accompanying tariffs, to reflect such energy cost reduction.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Ronald L. Lehn
Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

jw:5205A

PUBLIC SERVICE COMPANY OF COLORADO

Sheet No. 140 C


APPENDIX A

516004

Cancels
Sheet No. 140 CELECTRIC COST ADJUSTMENT DATA
UNDER COLORADO P.U.C. NO. 6 ELECTRIC
FIRST REVISED SHEET NO. 140

| | |
|--------------------------|-----------------|
| Energy Cost Month | August 1984 |
| Total Energy Cost | \$0.02053/KWH |
| Base Energy Cost | \$0.01821/KWH |
| Unrecovered Energy Cost | \$(0.00202)/KWH |
| Electric Cost Adjustment | \$0.00030/KWH |

Form 284-22-4022

ADVICE LETTER
NUMBERDECISION
NUMBER C84-1055
VICE PRESIDENT
Issuing OfficerISSUE
DATEEFFECTIVE
DATE September 24, 1984

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

WELLS FARGO ARMORED
SERVICE CORPORATION
970 YUMA STREET
DENVER, COLORADO 80204

Complainant,

vs.

R.T.L. INVESTIGATIONS, INC.
2113 30TH STREET
BOULDER, COLORADO 80301,

Respondent.

CASE NO. 6368

INTERIM ORDER OF
EXAMINER THOMAS F. DIXON

September 20, 1984

STATEMENT

This matter was set for hearing on August 22, 1984, at 9 a.m., in the Commission Hearing Room, Denver, Colorado. On August 20, 1984, Complainant, Wells Fargo Armored Service Corporation, filed a Motion to Vacate and Reset hearing requesting that this matter be vacated and reset at least sixty days from the presently scheduled hearing date. As grounds therefor, Complainant stated that pursuant to a protective order issued by this Examiner on August 16, 1984, a number of documents sought for discovery purposes have been made available to Complainant; however, because of the press of time and the proximity of the hearing, the attorney representing Complainant cannot make an adequate review of those documents prior to the hearing. The attorney representing R.T.L. Investigations, Inc. advised that he had no objection to the granting of this motion to vacate. Further, the motion states that subpoenas have been issued to various witnesses and the motion requests that these subpoenas be continued to the new hearing date. Good grounds having been shown, and no objection thereto, the Motion to Vacate and Reset Hearing should be granted, and the subpoenas issued in this action to date should be continued for the new hearing date.

O R D E R

THE EXAMINER ORDERS THAT:

1. The Motion to Vacate and Reset filed by Wells Fargo Armored Service Corporation on August 20, 1984, is hereby granted.
2. The hearing in this matter scheduled for August 22, 1984 at 9 a.m., in the Commission Hearing Room, Denver, Colorado, is hereby vacated.
3. This matter is reset for hearing as follows:

DATE: November 16, 1984


TIME: 9 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, 0L2
Denver, Colorado 80203

4. All subpoenas previously issued by this Commission for the hearing scheduled August 22, 1984, are hereby continued for the hearing now scheduled on November 16, 1984.

5. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--|-------------------------|
| RE: INVESTIGATION AND SUSPENSION) | |
| OF PROPOSED CHANGES IN TARIFF -) | |
| COLORADO PUC NO. 5 - TELEPHONE,) | I & S DOCKET NO. 1655 |
| MOUNTAIN STATES TELEPHONE AND)) | |
| TELEGRAPH COMANY, DENVER, COLORADO) | |
| 80202.) | |
| | |
| IN THE MATTER OF THE INVESTIGATION) | |
| OF CHANGES IN TARIFF - COLORADO) | |
| PUC NO. 5 - TELEPHONE EFFECTED BY) | |
| THE MOUNTAIN STATES TELEPHONE AND) | CASE NO. 6360 |
| TELEGRAPH COMPANY, DENVER, COLORADO) | |
| 80202, PURSUANT TO ADVICE LETTER NO.) | |
| 1930.) | |
| | |
| IN THE MATTER OF THE INVESTIGATION) | |
| OF CHANGES IN TARIFF - COLORADO PUC) | |
| NO. 5 - TELEPHONE EFFECTED BY THE) | |
| MOUNTAIN STATES TELEPHONE AND) | CASE NO. 6361 |
| TELEGRAPH COMPANY, DENVER, COLORADO) | |
| 80202, PURSUANT TO ADVICE LETTER) | ORDER OF THE COMMISSION |
| NO. 1932.) | DENYING APPLICATION FOR |
| | REHEARING, REARGUMENT |
| | AND RECONSIDERATION |

- - - - -
September 18, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 15, 1984 The Commission issued Decision No. C84-897 concerning attorneys fees and expert witness fees and costs with respect to I&S Docket No. 1655. On September 6, 1984, Stephen A. Hodgson filed an application for rehearing, reargument or reconsideration directed to Decision No. C84-897.

The Commission cannot really add to anything which was not said in Decision No. C84-897, but it finds that the application filed by Mr. Hodgson does not set forth sufficient factual or legal grounds for making any modification in its decision. The Commission would state that Mr. Hodgson is to be commended for his participation in this docket. Nevertheless, for the reasons set forth in Dcision No. C84-897, the Commission legally cannot accede to his request.

On September 17, 1984, the Mountain States Telephone and Telegraph Company, herein Mountain Bell, filed a "Motion to Strike, or in the Alternative, Response to Application for Rehearing, Reargument, or Reconsideration." Mountain Bell contends that Mr. Hodgson filed his Application for Rehearing, Reargument, or Reconsideration some 22 days after the effective date of the Commission's order and that therefore it is untimely. Alternatively, Mountain Bell contends that should the Commission decide to consider Mr. Hodgson's application for Rehearing, Reargument, or Reconsideration, that the application be denied.

The Commission notes that Decision No. C84-897, dated August 15, 1984, which dealt with the award of attorneys' fees, etc., provided an Ordering Paragraph No. 6 of the 20-day time period shall commence to run on the first day following the mailing or serving by the Commission of the decision herein, and that the order in said decision would not be effective until 30 days from August 15, 1984. (Mountain Bell incorrectly contends that the effective date of the order was August 15, 1984; see Paragraph No. 2 of its pleading filed on September 17, 1984.) Decision No. C84-897 was mailed on August 17, 1984, and accordingly, Mr. Hodgson's Application for Rehearing, Reargument, and Reconsideration is timely.

In any event, in as much as the Commission hereinafter will deny Mr. Hodgson's Application for Rehearing, Reargument, and Reconsideration, Mountain Bell's request for dismissal of Mr. Hodgson's application is moot.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. The application for rehearing, reargument or reconsideration filed on September 6, 1984 by Stephen A. Hodgson directed to Decision No. C84-897, dated August 15, 1984, is denied.
2. The request of the Mountain States Telephone and Telegraph Company, filed on September 17, 1984, that the Application for Rehearing, Reargument, or Reconsideration filed by Stephen A. Hodgson on September 6, 1984, be, and hereby is, denied.
3. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RITA M. ANDERSON
2931 HUDSON STREET
DENVER, COLORADO 80207

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 - 15TH STREET
DENVER, COLORADO 80202

Respondent.

CASE NO. 6372

RECOMMENDED DECISION OF
EXAMINER THOMAS F. DIXON

September 28, 1984

STATEMENT AND FINDINGS OF FACT

On February 23, 1984, Rita M. Anderson (Complainant) filed the within complaint against Public Service Company of Colorado (Respondent). Subsequent to an Order to Satisfy or Answer issued by the Commission on February 27, 1984, Respondent filed its Answer to Complaint on March 16, 1984. Pursuant to notice issued April 6, 1984, this matter was set for hearing on May 14, 1984 at 9:00 a.m., in the Commission Hearing Room, Denver, Colorado. On May 10, 1984, the parties filed a letter advising that they had reached a stipulation in this matter and requested that the hearing set for May 14, 1984, be vacated.

On May 18, 1984, the parties filed a Stipulated Dismissal which was supplemented by an additional Stipulated Dismissal filed July 9, 1984. The Stipulated Dismissals provide in pertinent part as follows:

1. An investigation conducted by Respondent revealed that Complainant's name was placed on the account at issue, not by Complainant, but by Nancy Williams who also resided with the Complainant at 2290 Eudora Street, Denver, Colorado.
2. Complainant and Respondent agree the Complainant should not be considered a joint obligor on this account and Respondent agrees to release Complainant from all claims and demands for \$712.89 in charges accrued on the account.

Good grounds having been shown, the Stipulated Dismissals should be approved by the Commission and this Case should be dismissed with prejudice.

O R D E R

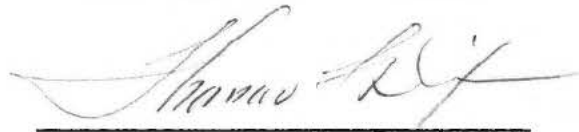
THE EXAMINER ORDERS THAT:

1. Case No. 6372 filed by Rita M. Anderson against Public Service Company of Colorado on February 23, 1984 is dismissed, and Public Service Company of Colorado shall make no claims upon Rita M. Anderson for \$712.89 arising out of this Complaint.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner

nrg:5194A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|---------------------------------------|--------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF THE BURLINGTON NORTHERN RAILROAD) | APPLICATION NO. 35934 |
| COMPANY FOR AUTHORITY TO ABANDON) | |
| ITS TRACK 147 AT 19TH STREET ON) | RECOMMENDED DECISION OF |
| ITS WEST SIDE LINE, DENVER,) | EXAMINER THOMAS F. DIXON |
| COLORADO.) | |

- - - - -
September 27, 1984
- - - - -

STATEMENT, FINDINGS OF FACT, AND CONCLUSIONS THEREON

1. The Burlington Northern Railroad Company (BNRR) filed this Petition to Abandon Trackage on October 25, 1983. In the Petition, BNRR sought to abandon track number 147 at 19th Street on its West Side Line in Denver, Colorado. This track is wholly located within the State of Colorado and subject to the jurisdiction of this Commission. Notice of this Petition was issued by the Commission on November 7, 1983. Subsequent to this notice, a timely protest was filed by William J. Spicer on behalf of Empire Staple Company, 1710 Platte Street, Denver, Colorado 80202. In its protest, Empire Staple Company (Empire) asserts that a track number 147 should be available to provide service to it and that it has used the rail service available from this track in the past. However, Empire also notes that it has not used the rail siding recently because the rail rates are no longer competitive with flat car, "piggy back" or over-the-road rates.

2. The hearing in this matter was scheduled for August 29, 1984, at 9:00 a.m. in the Commission Hearing Room, Logan Tower, Office Level 2, 1580 Logan Street, Denver, Colorado. When the hearing was called as scheduled, no representative appeared on behalf of Empire Staple Company. The hearing was delayed approximately 30 minutes in order to allow a representative from Empire to appear to testify concerning the protest filed. However, after 30 minutes, no representative appeared and the hearing proceeded as scheduled. As a preliminary matter the attorney representing BNRR moved to dismiss the protest filed on behalf of Empire since no representative had appeared at the hearing to support the protest. This motion was taken under advisement and BNRR was directed to present its evidence in support of its application without however, waiving its motion to dismiss the protest. One exhibit was offered and admitted into evidence. At the conclusion of the hearing, this matter was taken under advisement.

3. BNRR has brought this application pursuant to Rule 6 of the Commission's Rules pertaining to Railroad and Express Companies seeking an order authorizing it to abandon its track number 147 at 19th Street on its West Side Line, Denver, Colorado. Mr. Daniel K. Watts, Terminal Superintendent for BNRR at the Denver Terminal, appeared and testified on behalf of the railroad. Mr. Watts is familiar with the application and has physically inspected the site which is at issue in this application. Track number 147 formerly provided service to Empire. After viewing the site, Mr. Watts was unable to locate the track, however, he located a dock in the area which was a part of the building owned by Empire.

Mr. Watts reviewed BNRR's records which are kept for a period of approximately 3 years and found that no shipments had been made from or into Empire over track number 147. Mr. Watts made inquiry of the traffic department for BNRR and found that no shipments had been made since at least July 1980. Further inquiry with the switch desk revealed that G.R. Martin, Switch Desk Clerk for BNRR, did not recall any traffic to Empire over track number 147 for at least the last 8 years. No other businesses are provided service on this track. Apparently during conversations with Empire representatives, it was determined that there had been no shipments into or out of Empire by rail on track number 147 for approximately 10 years.

Further investigation by Mr. Watts revealed that Law & Son Casket Company was a former customer along this track. That company has terminated business and the building which it previously used has been converted to office space. Law & Son requested that BNRR move track number 147 from the vicinity of the office building and lease the property on which track number 147 had been located to Law & Son for use as a park area for employees of the office building.

4. As required by Rule 6 of the Rules Pertaining to Railroad and Express Companies, BNRR posted notice of the change of service as found in Exhibit B to the application on October 25, 1983. That notice advised of the proposed action and stated an effective date of November 30, 1983. This Commission did not suspend the change sought by the BNRR prior to the effective date of the notice. An affidavit filed November 4, 1983, asserting that notice was made is included in the records of the Commission as part of this file and administrative notice is taken of this affidavit and the notice to which it refers described as Exhibit B to the application.

5. Based on all the evidence of record, it is found that BNRR should be permitted to abandon track number 147 as requested in its petition. Although Empire filed a protest to this application, it failed to appear to present evidence in support of its protest. Moreover, the evidence does reflect that no rail service has been provided to Empire for a period in excess of 3 years and possibly as long as 10 years. Accordingly, the petition to abandon track number 147 should be granted. Applicant has complied with the appropriate rules and regulations for the abandonment of this track and has given proper notice of change required by the rules.

DISCUSSION


Although it was not clear in the hearing whether this track has, in fact, been removed by BNRR, there is no question that the track no longer appears to be present at the site in question. The railroad is reminded that under Rule 6 of the Rules Pertaining to Railroad and Express Companies, the railroad cannot abandon or change service without receiving an order of approval from the Commission prior to taking such action. In the event public need had been demonstrated, this Commission could have ordered BNRR to replace track number 147 to serve Empire. However, such evidence is not present in this case. However, the railroad is cautioned against such conduct in the future and reminded that in the event the Commission does not suspend a request to change service, that does not mean that the change in service has been approved. Under Rule 6 the Commission must take affirmative action to approve such changes in service whether or not it suspends the change proposed. At this point in time it would serve no useful purpose to direct the railroad to rebuild track number 147 and then declare by the Order to follow to abandon that track.

O R D E R

THE EXAMINER ORDERS THAT:

1. The petition to abandon track number 147 filed by the Burlington Northern Railroad Company on October 25, 1983 is granted.
2. The motion to dismiss the protest of Empire Staple Company is granted.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|---------------------------------------|--------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF LARIMER, COLORADO, FOR AUTHORITY) | APPLICATION NO. 36340 |
| TO INSTALL GRADE CROSSING PROTEC-) | |
| TION DEVICES AT THE CROSSING OF) | RECOMMENDED DECISION OF |
| THE BURLINGTON NORTHERN RAILROAD) | EXAMINER THOMAS F. DIXON |
| COMPANY AND COUNTY ROAD 66 LOCATED) | |
| IN THE COUNTY OF LARIMER, STATE) | |
| OF COLORADO.) | |

- - - - -
September 28, 1984
- - - - -

Appearances: John L. Pilon, Esq., Denver,
Colorado, for Burlington
Northern Railroad Company and

John H. Baier, for the Staff
of the Commission for clarifying
questions.

STATEMENT

On May 17, 1984, the Division of Public Works of Larimer County filed the within application. Pursuant to notice issued June 1, 1984, this matter was set for hearing on July 16, 1984, at 10:00 a.m., in the Council Chambers, City of Fort Collins, 300 West La Porte Avenue, Fort Collins, Colorado.

The hearing was held as scheduled. During the course of the hearing one exhibit was offered and admitted into evidence. Testimony was received from Ross Shaw on behalf of the Department of Public Works of Larimer County, Robert Gustafson and George Camp on behalf of the Burlington Northern Railroad and John Baier on behalf of the Staff of the Commission. At the conclusion of the hearing, this matter was taken under advisement.

Pursuant to CRS 40-6-109, this Examiner now transmits to the Commission the record and exhibit in this matter together with this written Recommended Decision.

FINDINGS OF FACT AND CONCLUSIONS THEREON

1. Applicant filed this application seeking an order to replace obsolete "wigwag" signals with automatic cantilevered signaling devices at the intersection of County Road 66 and the north-south main track of the Burlington Northern Railroad Company (BNRR) located in Larimer County.

2. The proposed improvements are necessary and proper for the service, convenience and safety of the public. This highway is used by school buses and postal carriers in addition to the general public. There are high earthen banks on all 4 corners of the intersection which block the north-south view of the railroad for both eastbound and westbound vehicular traffic.

3. The Department of Public Works of Larimer County (Department) and the BNRR have entered into an agreement for the signalization proposed in this application. Presently located at the abandoned "Rex" line are the type of automatic cantilevered signaling devices which will be moved from that location and placed at this intersection.

4. It is estimated by the parties that the cost to install this signalization will be \$28,114 with an additional \$2,811 built in for contingencies.

5. A traffic survey conducted in 1982 by the Department reflected that an average of 55 vehicles per day use Route 66 and cross the BNRR main track. In addition, 6 trains per day traverse this intersection traveling at a speed of 49 miles per hour. There are no plans to increase the number of trains which will traverse this crossing. The signals located at the Rex line meet the American Association of Railroad standards for safety and are no longer useful at the Rex line, since it has been abandoned.

6. The automatic cantilevered signal devices can be installed by the railroad within 60 days from the effective date of this order.

7. All property owners adjacent to the subject crossing have received notice of this application and have filed no protests or notices of intervention in this action.

8. All parties recommend that Larimer County be responsible for 10 percent of the cost to properly signalize this crossing and that it has budgeted this amount. The parties recommend that the railroad be responsible for a minimal portion of the cost as defined by statute which is 20 percent of the total cost. Finally, the parties recommend that the highway crossing protection fund be responsible for the remainder of the cost. John H. Baier, on behalf of the Staff of the Commission, also recommends this as a proper allocation.

9. Accordingly, based on the evidence presented and the recommendations of the parties, the allocation set forth in paragraph 8 is reasonable and should be approved.

ORDER

THE EXAMINER ORDERS THAT:

1. The Department of Public Works of Larimer County and the Burlington Northern Railroad Company are authorized to install, operate and maintain automatic cantilevered railroad signaling devices at the intersection of County Route 66 crossing over the main track of the Burlington Northern Railroad in Larimer County. The Burlington Northern Railroad is responsible for installing these devices for the protection of this crossing.

2. A fair, and equitable allocation of the total actual cost of installation of the protective devices is as follows:

- (A) The Burlington Northern Railroad shall contribute out of its own funds 20 percent of the cost of the installation and shall thereafter operate and maintain the crossing devices at its own expense for the life of the crossing.
- (B) Larimer County, Colorado, shall pay 10 percent thereof. Upon completion of the proposed work, an itemized statement of the actual cost and bill covering 10 percent thereof

shall be forwarded by the Burlington Northern Railroad to Larimer County which bill shall then be paid by Larimer County to the Burlington Northern Railroad.

- (C) The remainder of the cost of installation (70 percent) shall be paid from the Highway Crossing Protection Fund. Upon completion of the proposed work, an itemized statement of actual cost and a bill covering 70 percent thereof shall be forwarded by the Burlington Northern Railroad to the Commission which bill shall be paid to the Burlington Northern Railroad after audit and verification of the signal installation.
- (D) All warning devices and installation thereof shall be in accordance with part 8 of the Manual of Uniform Traffic Control Devices, Traffic Control Systems for Railroad-Highway Grade Crossings.
- (E) Upon completion of the installation of the grade crossing warning devices ordered herein, The Burlington Northern Railroad shall notify the Commission, in writing, within 10 days of the initial operation of said warning devices.
- (F) The Commission hereby retains jurisdiction to make such further order or orders as may be required to give this decision full force and effect.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|----------------------|
| RE: SUPPLEMENT NO. 1 TO LOCAL) | |
| AND INTERDIVISION EXPRESS TARIFF,) | MISCELLANEOUS DOCKET |
| COLO. P.U.C. NO. 20, FILED BY) | NO. 550 |
| GREYHOUND LINES, INC., SCHEDULED) | |
| TO BECOME EFFECTIVE OCTOBER 10,) | ORDER OF COMMISSION |
| 1984.) | REJECTING TARIFF |
| ----- | |

September 18, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 7, 1984, Greyhound Lines, Inc., filed Supplement No. 1 to its Local and Interdivision Express Tariff, Colo. P.U.C. No. 20, scheduled to become effective October 10, 1984.

Review of the filing shows that on September 5, 1984, the Commission by Decision No. C84-984 rejected Greyhound Lines, Inc. Local and Interdivision Express Tariff, Colo. P.U.C. No. 20.

Colorado Revised Statute 40-6-111(3) states:
"Any tariff or schedule so rejected by the
Commission shall be void and its use shall be
unlawful."

To comply with PUC rules and regulations, carrier must have either filed a new tariff on thirty days' notice, or filed a petition seeking permission to change its tariff on less than thirty days' notice. Any tariff once rejected by the Commission cannot be changed by supplement.

The Commission finds that the supplement should be rejected for violation of Public Utilities Law.

O R D E R

THE COMMISSION ORDERS:

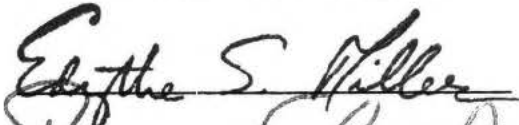
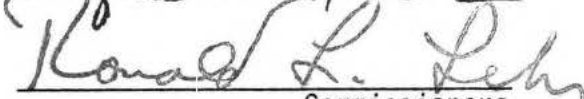
1. That Supplement No. 1 to Greyhound Lines, Inc. Local and Interdivision Express Tariff, Colo. P.U.C. No. 20 is rejected.

2. That the tariff publication necessary to effect the provisions of this Order shall be filed with this Commission immediately, to become effective on one day's notice.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER ANDRA SCHMIDT
ABSENT.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|---------------------------------|---|------------------------------|
| RE: DECREASED RATES FOR THE |) | INVESTIGATION AND SUSPENSION |
| TRANSPORTATION OF NAMED COM- |) | DOCKET NO. 1663 |
| MODITIES FROM DENVER TO NAMED |) | |
| POINTS FILED FOR EDSON EXPRESS, |) | ORDER OF COMMISSION VACATING |
| INC. IN COLORADO MOTOR TARIFF |) | HEARING, CLOSING DOCKET AND |
| BUREAU TARIFF NO. COB 300, |) | ALLOWING CANCELLATION OF |
| SCHEDULED TO BECOME EFFECTIVE |) | SUSPENDED MATTER |
| SEPTEMBER 2, 1984. |) | |

September 18, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 3, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Edson Express, Inc., filed Original Page No. 263-A, Original Page No. 320-T, Original Page No. 320-U and Original Page No. 320-V. On August 17, 1984, 1st Revised Page No. 320-T was filed to correct the matter published on Original Page No. 320-T. Said pages proposed to decrease rates for the transportation of named commodities from Denver to named points and all pages were scheduled to become effective September 2, 1984.

Review of the filings indicated that the proposed rates were negotiated by the carrier with particular shippers; that no supporting financial data had been furnished and no cost measurements had been made; that there was no indication that the proposed rates would be compensatory; and, therefore, the Commission was unable to determine whether the proposed rates were just and reasonable.

The Commission, by Decision No. C84-959, dated August 28, 1984, set the matter for hearing and suspended the effective date of the tariff filing.

By petition filed September 7, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Edson Express, Inc. asks that the hearing date of October 16, 1984 be vacated; that Investigation and Suspension Docket No. 1663 be closed; and, that the tariff provisions now under suspension be allowed to be canceled.

In support of said petition, it is stated:

"Your petitioner has been instructed to seek permission to cancel the suspended matter in order that a new publication with proper justification may be made at a later date."

The Commission finds that it will be in the public interest to grant the petition and to allow the tariff provisions now under suspension to be canceled.

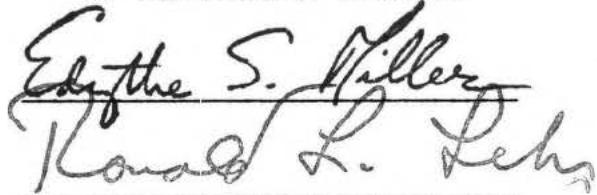
O R D E R

THE COMMISSION ORDERS:

1. That the petition of Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Edson Express, Inc. to cancel the matter under suspension in Investigation and Suspension Docket No. 1663 is granted.
2. That the hearing date of October 16, 1984 now set in this matter is vacated.
3. That Investigation and Suspension Docket No. 1663 is closed.
4. That the tariff publications necessary to effect the provisions of this Order shall be filed immediately to become effective on one day's notice.
5. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER ANDRA SCHMIDT
ABSENT.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|--|---|------------------------------|
| RE: DECREASED RATES AND CHARGES FOR |) | INVESTIGATION & SUSPENSION |
| THE TRANSPORTATION OF NAMED COMMODITIES |) | DOCKET NO. 1664 |
| BETWEEN DENVER, CASTLE ROCK, LOUVIERS |) | |
| AND SEDALIA FILED FOR DONALD G. ANDERSON |) | ORDER OF COMMISSION VACATING |
| DBA CASTLE ROCK TRANSFER IN COLORADO |) | HEARING, CLOSING DOCKET AND |
| MOTOR TARIFF BUREAU TARIFF NO. COB 300, |) | ALLOWING CANCELLATION OF |
| SCHEDULED TO BECOME EFFECTIVE SEPTEMBER |) | SUSPENDED MATTER |
| 2, 1984. |) | |

September 18, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 3, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Donald G. Anderson d/b/a Castle Rock Transfer, filed 11th Revised Page No. 268-A, 20th Revised Page No. 272, 23rd Revised Page No. 273, 18th Revised Page No. 274, Original Page No. 274-A, Original Page No. 276-A, 16th Revised Page No. 313, 20th Revised Page No. 314, Original Page No. 320-S, Original Page No. 322-B, 7th Revised Page No. 324-B and Original Page No. 324-C, all scheduled to become effective September 2, 1984. Said revised pages proposed to decrease rates for the transportation of named commodities between Denver, Castle Rock, Louviers and Sedalia.

Subsequently, the Colorado Motor Tariff Bureau, Inc. filed 8th Revised Page No. 324-B on August 10, 1984 and 1st Revised Page No. 324-C on August 17, 1984, both scheduled to become effective September 2, 1984. Said revised pages reissued all matters published on 7th Revised Page No. 324-B and Original Page No. 324-C, respectively, with certain clarifications.

Review of the filing indicated that no supporting financial data had been furnished and no cost measurements had been made; that no explanation had been furnished indicating why these particular commodities had been decreased or what portion of the carrier's business they represented; that there was no indication that the proposed rates would be compensatory; and, therefore, the Commission was unable to determine whether the proposed rates were just and reasonable.

The Commission, by Decision No. C84-965, dated August 28, 1984, set the matter for hearing and suspended the effective date of the tariff filing.

By petition filed September 7, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Donald G. Anderson d/b/a Castle Rock Transfer asks that the hearing date of October 23, 1984 be vacated; that Investigation and Suspension Docket No. 1664 be closed; and, that the tariff provisions now under suspension be allowed to be canceled.

In support of said petition, it is stated:

"Your petitioner has been instructed to seek permission to cancel the suspended matter in order that a new publication with proper justification may be made at a later date."

The Commission finds that it will be in the public interest to grant the petition and to allow the tariff provisions now under suspension to be canceled.

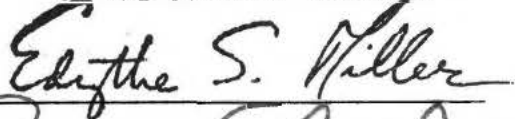

O R D E R

THE COMMISSION ORDERS:

1. That the petition of Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Donald G. Anderson d/b/a Castle Rock Transfer to cancel the matter under suspension in Investigation and Suspension Docket No. 1664 is granted.
2. That the hearing date of October 23, 1984 now set in this matter is vacated.
3. That Investigation and Suspension Docket No. 1664 is closed.
4. That the tariff publications necessary to effect the provisions of this Order shall be filed immediately to become effective on one day's notice.
5. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER ANDRA SCHMIDT
ABSENT.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|--------------------------------|---|------------------------------|
| RE: DECREASED RATE FOR THE |) | |
| TRANSPORTATION OF NAMED PAPER |) | INVESTIGATION AND SUSPENSION |
| AND PAPER ARTICLES FROM DENVER |) | DOCKET NO. 1665 |
| TO COLORADO SPRINGS FILED FOR |) | |
| HVH TRANSPORTATION, INC. IN |) | ORDER OF COMMISSION VACATING |
| COLORADO MOTOR TARIFF BUREAU |) | HEARING, CLOSING DOCKET AND |
| TARIFF NO. COB 300, SCHEDULED |) | ALLOWING CANCELLATION OF |
| TO BECOME EFFECTIVE AUGUST 30, |) | SUSPENDED MATTER |
| 1984. |) | |
| ----- | | |

September 18, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 31, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of HVH Transportation, Inc., filed 19th Revised Page No. 322 and 2nd Revised Page No. 322-A to Colorado Motor Tariff Bureau Tariff No. COB 300, Colorado PUC No. COB 300, scheduled to become effective August 30, 1984. Said revised pages proposed to decrease the rate for the transportation of named paper and paper articles from Denver to Colorado Springs.

Review of the filing indicated that no supporting financial data had been furnished and no cost measurements had been made; that there was no indication that the proposed rate would be compensatory; and, therefore, the Commission was unable to determine whether the proposed rate was just and reasonable.

The Commission, by Decision No. C84-961, dated August 28, 1984, set the matter for hearing and suspended the effective date of the tariff filing.

By petition filed September 7, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of HVH Transportation, Inc. asks that the hearing date of October 5, 1984 be vacated; that Investigation and Suspension Docket No. 1665 be closed; and, that the tariff provisions now under suspension be allowed to be canceled.

In support of said petition, it is stated:

"Your petitioner has been instructed to seek permission to cancel the suspended matter in order that a new publication with proper justification may be made at a later date."

The Commission finds that it will be in the public interest to grant the petition and to allow the tariff provisions now under suspension to be canceled.

O R D E R

THE COMMISSION ORDERS:

1. That the petition of Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of HVH Transportation, Inc. to cancel the matter under suspension in Investigation and Suspension Docket No. 1665 is granted.
 2. That the hearing date of October 5, 1984 now set in this matter is vacated.
 3. That Investigation and Suspension Docket No. 1665 is closed.
 4. That the tariff publications necessary to effect the provisions of this Order shall be filed immediately to become effective on one day's notice.
 5. That this Order shall become effective forthwith.
- DONE IN OPEN MEETING the 18th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Ronald L. Lehn
Commissioners

COMMISSIONER ANDRA SCHMIDT
ABSENT.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE TRI-COUNTY ELECTRIC)
COOPERATIVE, INC.)

CASE NO 6420

ORDER TO SHOW CAUSE AND NOTICE OF HEARING

- - - - -
September 18, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Tri-County Electric Cooperative, Inc. (Tri-County or Respondent) provides electric service to approximately 12 customers in southeastern Colorado. The Staff of the Public Utilities Commission has conducted an investigation wherein it is indicated that Tri-County may have increased rates to its customers without having complied with C.R.S. 40-3-104(1), and Rule 18 of the Commission's Rules of Practice and Procedure.

According to the investigation of the Staff of the Commission Tri-County instituted a general rate increase of 8 percent on or about May 27, 1981 without having filed with this Commission a tariff setting forth said increase. The investigation of the Staff of the Commission also indicates that on August 12, 1983 Tri-County instituted a 22 percent increase in its rates to recover a wholesale power cost increase to it without having filed a tariff with this Commission to effect said pass-on. As a result, Tri-County's electric customers may have paid rates over and above the rates which were in effect pursuant to tariffs which had been previously filed with this Commission on October 12, 1979 and became effective November 11, 1979.

The Commission takes official notice of the fact that on May 2, 1984 the members and consumers of Tri-County voted to exempt themselves from the provisions of the Public Utilities Law pursuant to C.R.S. 40-9.5-103. As a result, the jurisdiction of this Commission over Tri-County was suspended as of May 2, 1984 for activities of Tri-County occurring on and after that date.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such argument as may be material, to receive evidence from the Staff and any others who may testify, and to determine what order or penalty, if any, shall be imposed by the Commission.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent herein, Tri-County Electric Cooperative, Inc. is

directed to appear before the Commission on November 28, 1984, as specifically set forth below, to show cause why the Commission should not take such action and order such order or penalty as may be appropriate, including, but not limited to, order directing Tri-County Electric Cooperative, Inc. to pay reparations to its customers in the amounts paid by its customers in excess of its legal rates on file with the Commission for the period commencing May 27, 1981 and continuing through May 1, 1984, subject to the provisions of C.R.S. 40-6-119.

2. This Case is set for hearing before the Commission at 9:00 a.m., Logan Tower, Office Level 2, 1580 Logan Street, Denver, Colorado 80203 on November 28, 1984, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

This Order is effective forthwith.

DONE IN OPEN MEETING the 18th day of September 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Ronald L. Lehn
Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-------------------------------------|---|-----------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF THE CITY COUNCIL OF THE CITY |) | APPLICATION NO. 36158 |
| OF LOUISVILLE, COLORADO, FOR |) | |
| AUTHORITY TO WIDEN AND TO REVISE |) | RECOMMENDED DECISION OF |
| THE SIGNALS AT THE CROSSING OF |) | EXAMINER WILLIAM J. FRITZEL |
| THE BURLINGTON NORTHERN RAILROAD |) | |
| AND DILLON ROAD LOCATED IN THE CITY |) | |
| OF LOUISVILLE, COUNTY OF BOULDER, |) | |
| STATE OF COLORADO. |) | |

- - - - -
September 28, 1984
- - - - -

Appearances: Curt D. Rautenstrauss, Esq.,
Louisville, Colorado, for
Applicant, City of Louisville;

John L. Pilon, Esq., Denver,
Colorado, for the Burlington
Northern Railroad Company;

John H. Baier, Denver,
Colorado of the Staff
of the Commission.

STATEMENT OF THE CASE

On February 14, 1984, Applicant the City of Louisville, Colorado, filed the above captioned application. Notice of the application was published by the Commission on March 5, 1984. No protests or requests for intervention were received by the Commission.

The case was heard by the undersigned Examiner on June 11, 1984, at 9:00 a.m. in Denver, Colorado. Testimony was received from witnesses, and Exhibits 1 through 5 were marked for identification and admitted into evidence. At the conclusion of the hearing, the matter was taken under advisement.

Pursuant to provisions of CRS 40-6-109, the Examiner now transmits to the Commission the record and exhibits of the proceeding, together with a written Recommended Decision.

FINDINGS OF FACT AND CONCLUSIONS THEREON

Based upon all the evidence of record, the following facts are found and conclusions thereon are drawn.

1. Applicant City of Louisville is a political subdivision of the State of Colorado.
2. The Burlington Northern Railroad Company is a rail common carrier operating in the State of Colorado.

3. Applicant requests authority to widen the crossing and to upgrade the signals located at Dillon Road and the Burlington Northern Railroad track in the southeastern portion of the City of Louisville, Boulder County, Colorado.

4. Dillon Road, at the site of the crossing, is a two-lane east-west road. The posted speed limit is 45 miles per hour. The City of Louisville is currently engaged in upgrading and widening Dillon Road to arterial status. The crossing currently is protected by automatic flashing signals. Dillon Road currently serves as a regional collector for traffic moving to industrial, and residential areas and to the Denver-Boulder Turnpike and U.S. 287. Colorado Technological Center and Storage Technology Corporation are located in the vicinity of the crossing, and much of the area to the east of the crossing is zoned light industrial for future development. Approximately 900 cars per day currently use the crossing. Approximately 20 school bus crossings per day occur at the crossing. Much of the traffic is composed of county-wide, regional traffic. Approximately 11,000 vehicles per day are projected to use the crossing by the year 2000 A.D.

5. Burlington Northern Railroad maintains one mainline track at the crossing. The railroad track generally runs in a north-south direction. There currently are five scheduled Burlington Northern trains that cross at Dillon Road per day. The maximum train speed at the crossing is 49 miles per hour. The crossing has been free from train-vehicle accidents for at least the past five years.

6. It is proposed that the present flashing signals will be relocated to a new median of the widened Dillon Road, and automatic gates will be added. Motion sensing devices will also be installed at the crossing. The total cost of the project is estimated to be approximately \$25,208 (Exhibit No. 4). No federal funds are available for the installation of the proposed protection devices.

7. The City of Louisville, Boulder County, the State of Colorado, and the Burlington Northern Railroad will all benefit from the installation of the warning devices.

DISCUSSION

CRS 40-4-106, as amended, grants the power to this Commission to determine the point of crossing at which railroad tracks intersect with the public streets and highways and to determine the protective devices at said crossing as may be reasonable and necessary to protect against accidents and to provide for the public safety.

The evidence of record indicates that the public safety requires that the crossing at Dillon Road be protected by the proposed warning devices.

CRS 40-4-106(2)(b), as amended, requires that the Commission allocate the cost among the interested parties for the installation of the grade crossing protection devices. A fair and equitable allocation of the total cost in this case should be as follows:

5% to the City of Louisville;
20% to the Burlington Northern Railroad Company;
75% to the State Highway Crossing Protection Fund.

CONCLUSIONS

1. The Commission has jurisdiction over the parties and the subject matter of this action.
2. The application requesting authority to widen and to revise signals at the crossing of the Burlington Northern Railroad and Dillon Road located in the City of Louisville, County of Boulder, State of Colorado, is in the public interest, and the public safety will be promoted. Consequently, the application should be granted.
3. Allocation of the total cost for the installation of the proposed protection devices at Dillon Road should be as follows:

5% to the City of Louisville;
20% to the Burlington Northern Railroad Company;
75% to the State Highway Crossing Protection Fund.
4. Pursuant to CRS 40-6-109, the undersigned Examiner recommends that the following Order be entered.

ORDER


THE EXAMINER ORDERS THAT:

1. Application No. 36158 is granted.
2. The Burlington Northern Railroad Company is authorized and directed to install, operate and maintain automatic railroad grade crossing protection devices as described herein and in Exhibit No. 4, at Dillon Road located in the City of Louisville, County of Boulder, State of Colorado, at mile post 18.35, DOT 244-798-M.
3. The operation and maintenance of the crossing protection devices shall be performed by the Burlington Northern Railroad Company at its own expense for the life of the crossing so protected.
4. The signal plans and installation of same shall conform to the manual on uniform traffic control devices, traffic control systems, for railroad-highway grade crossings, part VIII.
5. Total cost of labor and materials required for installation of the grade crossing warning devices estimated to be approximately \$25,208 shall be allocated as follows: (A) the City of Louisville, Colorado, shall be allocated 5% thereof; (B) the Burlington Northern Railroad shall be allocated 20% thereof; (C) the Highway Crossing Protection Fund shall be allocated 75% thereof.
6. Upon completion of the installation of the grade crossing warning devices ordered herein, the Burlington Northern Railroad Company shall notify the Commission in writing within ten (10) days of the initial operation of said warning devices.
7. The installation of said warning devices shall be completed within twelve (12) months of the effective date of this Order.
8. The Commission hereby retains jurisdiction to make such further orders as may be required in this proceeding.
9. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

10. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

11. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|---------------------------------------|-----------------------------|
| IN THE MATTER OF THE INVESTIGATION) | |
| OF THE TARIFF SHEETS ACCOMPANYING) | CASE NO. 6378 |
| ADVICE LETTER NO. 257 FILED BY) | |
| ROCKY MOUNTAIN NATURAL GAS COMPANY,) | RECOMMENDED DECISION OF |
| INC., FOR REVISION OF TARIFF) | EXAMINER WILLIAM J. FRITZEL |
| COLORADO P.U.C. NO. 3 - GAS.) | |

September 28, 1984

Appearances: Thomas C. Stifler, Esq.,
Colorado Springs, Colorado,
for Rocky Mountain Natural
Gas Company, Inc.

Mark Bender, Esq.,
Assistant Attorney General,
Denver, Colorado for Staff
of the Commission.

STATEMENT

On March 2, 1984 Respondent Rocky Mountain Natural Gas Company, Inc. filed Advice Letter No. 257 accompanied by a tariff sheet:

COLORADO PUC NO. 3-GAS

| Colorado PUC Sheet No. | Title of Sheet | Cancels Colorado PUC Sheet Number |
|---------------------------|-------------------------|--------------------------------------|
| Eighth Revised 10 | Purchase Gas Adjustment | Seventh Revised 10 |

Respondent stated that the tariff will be effective on April 2, 1984. The purpose of the filing is to establish an off-peak interruptible rate to serve industrial customers from March 15 through December 15 in Respondent's north central rate area.

On March 28, 1984 the Commission in Decision No. C84-384 stated that it would not suspend the proposed tariff allowing the tariff to become effective on April 2, 1984. However, the Commission on its own motion entered upon an investigation of the tariff and set the matter for hearing on May 29, 1984 at 9:00 a.m. in Denver, Colorado.

No protests or interventions were received. The Attorney General entered an appearance on May 17, 1984 on behalf of the Staff of the Commission.

Hearing commenced on May 29, 1984. As a preliminary matter, Rocky Mountain Natural Gas Company, Inc. and Staff entered into an agreement wherein Respondent and Staff agreed that the rates and terms established by the tariff would stay in effect. The parties further agreed that Respondent will file a report in December and June of each year which will indicate a rate of return produced by said tariff for the purpose of allowing Staff to monitor the return to insure that the rate of return would stay within the 13.94% overall rate of return on rate base last authorized by the Commission in Decision No. C83-1435 (September 13, 1983).

The above agreement was accepted by the undersigned Examiner.

Pursuant to CRS 40-6-109, the Examiner now transmits to the Commission the record of said hearing together with a written Recommended Decision.

FINDINGS OF FACT

1. Respondent Rocky Mountain Natural Gas Company, Inc. on March 2, 1984, filed Advice Letter No. 257 accompanied by the following tariff sheet.

COLORADO PUC NO. 3-GAS,

8th Revised 10, Purchase Gas Adjustment, which cancels Colorado PUC Sheet No. 7th Revised 10. The tariff provides the following terms and rates:

AVAILABILITY.

Available in the Towns of Wellington, Frederick, Firestone, Dacono, Colorado and the immediate fringe and rural districts where natural gas is available from the company's pipeline.

APPLICABILITY.

Applicable to industrial service where service is required from March 15 through December 15.

RATE

DEMAND CHARGE

Monthly demand charge \$100.

COMMODITY CHARGE

All use per month, per Mcf, at 14.65 psia, to nearest 10th MCF, \$4.485.

PURCHASED GAS ADJUSTMENT

This rate is subject to the Purchase Gas Adjustment tariff commencing on Sheet No. 2.1.

PAYMENT

Bills for gas service are due and payable 10 days from date of bill and service is subject to discontinuance if not paid within 20 days from date of bill. There will be a \$12.50 charge if disconnected for non payment and a \$12.50 reconnect charge.

CONTRACT PERIOD

All contracts under this rate shall be for a minimum period of one (1) year and thereafter from year to year until terminated by written notice.

RULES AND REGULATIONS

Natural gas under this schedule is for the exclusive use of the customer and shall not be re-sold or shared by others. Service under this schedule is for the use of interruptible industrial customers only.

All services are subject to the gas company's Rules and Regulations with such supplements thereto and revisions thereof as are from time to time in effect, and on file with the Public Utilities Commission of the State of Colorado.

The above tariff became effective on April 2, 1984.

CONCLUSIONS

1. The Commission has jurisdiction over the parties and the subject matter of this action.

2. The agreement of the parties described in the "Statement" and "Findings of Fact" herein is just and reasonable and should be accepted. The terms and rates contained in Respondent's tariff are just and reasonable.

3. Pursuant to CRS 40-6-109(2), it is recommended by the Examiner that the Commission enter the following Order.

ORDER

THE COMMISSION ORDERS THAT:

1. The rates and terms contained in Rocky Mountain Natural Gas Company, Inc.'s tariff, Colorado PUC No. 3-Gas, Sheet No. 8th Revised 10, Purchase Gas Adjustment, as currently effective and on file with this Commission shall remain in force until changed according to law.

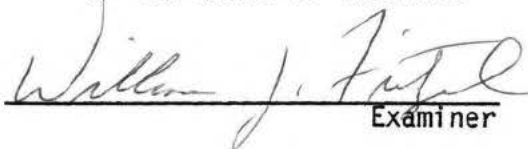
2. Rocky Mountain Natural Gas Company, Inc., shall file with the Commission a report on the last day of December and June of each year which shall indicate the return on rate base produced by said tariff and the overall rate of return on rate base of the company.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

5. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

nrg:5200A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-----------------------------------|---|------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF THE MOUNTAIN STATES TELEPHONE |) | APPLICATION NO. 36247 |
| AND TELEGRAPH COMPANY TO OBTAIN |) | |
| AUTHORIZATION FOR THE TRANSFER OF |) | ORDER OF THE COMMISSION UPON |
| CERTAIN ASSETS ASSOCIATED WITH |) | MOTION TO AMEND APPLICATION |
| DIRECTORY ADVERTISING. |) | |

September 21, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On April 2, 1984, The Mountain States Telephone and Telegraph Company (Mountain Bell) filed Application No. 36247 whereby it seeks Commission authorization for the transfer of certain assets associated with directory advertising pursuant to CRS 40-5-105. Notice of the application was given to all interested persons, firms, and corporations on April 18, 1984. On May 30, 1984, the Commission entered Decision No. C84-620, whereby it initially set the within application for hearing on Thursday, August 23, 1984. In the same decision, the Commission provided that any person, firm, or corporation desiring to intervene as a party in the proceeding shall file a motion to intervene with the Commission on or before June 27, 1984.

On May 1, 1984, the Colorado Municipal League (League) filed a Petition to Intervene which was granted under executive ruling of the Commission on May 31, 1984.

On June 6, 1984, the Commission by notice vacated the hearing that had previously been scheduled for August 23, 1984, and reset the same for September 6 and September 7, 1984.

On June 21, 1984, the Colorado Municipal League filed a Motion to Require Prefiling of Written Direct Testimony in question and answer form and for a prehearing conference for the purpose of establishing procedural dates. By Decision No. C84-788, dated July 10, 1984, the Commission granted the League's motion and set a prehearing conference for July 23, 1984. By the same decision, the Commission vacated the hearing dates of September 6 and September 7, 1984.

On August 10, 1984, Hearings Examiner William J. Fritzel entered Decision No. R84-881-I, which was a procedural order which, inter alia, set the hearing dates for the within application for December 12, December 13, and December 14, 1984. Examiner Fritzel's order also established other dates with respect to discovery and the prefiling of testimony and joint or partial stipulations as to issues.

On August 27, 1984, Mountain Bell filed a Motion to Amend, whereby it seeks Commission authorization to amend its application to reflect certain recent developments.

Mountain Bell states in Paragraph No. 18 of its amended application that on January 1, 1984, it transferred certain assets associated with the publishing of directories to Landmark Publishing Company in the total amount of \$64,634,000. Of that amount, \$56,300,000 was cash to be used as cash working capital. In Paragraph No. 24 of its amended complaint, Mountain Bell states that the \$56.3 million of cash working capital which was transferred on January 1, 1984, was the result of an estimate. In Paragraph No. 25 of its amended application, Mountain Bell contends that subsequent events have caused U.S. West Direct (which is the parent company of Landmark Publishing Company) and Mountain Bell to believe that the \$56.3 million estimate was larger than necessary, and as a result on August 1, 1984, U.S. West Direct transferred to Mountain Bell \$16.925 million together with \$949,492 which was also transferred as compensation for the use of the \$16.925 million for the first seven months of 1984.

On August 30, 1984, the League filed a response entitled Response Filed by Colorado Municipal League to Motion to Amend. In its response, the League stated that it had no objection to Mountain Bell using the most recent data in its application, including data relating to the "true-up". However, the League did oppose the deletion in Mountain Bell's proposed amended application of an entire section which had appeared in the original application entitled "Suggested Procedure". In its statement of the suggested procedure, Mountain Bell indicated that the within proceeding "could also be employed to examine the impact of the structural separation on Mountain Bell's 1984 results." Mountain Bell also stated, as follows, in Paragraph No. 26 of its original application:

In the opinion of Mountain Bell, a proceeding paralleling I & S Docket No. 1655, and considering both the asset transfer and the impact of the structural separation of Mountain Bell's 1984 intrastate Colorado operating results, will provide the most efficient, effective, and sensible means of bringing these matters to the attention of the Commission.

The League states that it agrees with the statement contained in Paragraph No. 26 of Mountain Bell's original application. The League contends that Mountain Bell should be permitted to amend its original application only to the extent that the application contains data relating to recent developments. That position requires adherence to the suggested procedure set forth by Mountain Bell in Paragraphs No. 22 through 27 of its original application.

On August 31, 1984, the Staff of the Public Utilities Commission (Staff) filed a Motion for Extension of Time in which to File a Response to the Motion of Mountain Bell for Leave to File an Amended Application. On September 11, 1984, the Commission, by Decision No. C84-1033, granted the Staff an extension of time whereby it could file a response to Mountain Bell's Motion for Leave to File an Amended Application on or before September 17, 1984.

On September 17, 1984, the Staff filed a Response and Objection to Motion for Leave to File Amended Application, which was directed to Mountain Bell's motion.

The Commission has considered Mountain Bell's Motion for Leave to Amend its Application, together with the responses thereto, filed by the League and the Staff, respectively. The Commission states and finds that

Mountain Bell's Motion for Leave to Amend its Application should be granted, subject to the terms and conditions as outlined here.

The Staff of the Commission has undertaken, on behalf of the Commission, an audit of the figures that were used by Mountain Bell in its original application. The Staff, as of this time, has not had the opportunity to audit the figures which have been used by Mountain Bell in its amended application.

Basically, the Commission must determine whether or not conceptually the transfer of assets from Mountain Bell to U.S. West Direct in connection with directory advertising is in the public interest and should be approved. If an affirmative determination of that issue is made by the Commission, it is also necessary for the Commission to determine whether the particular dollar value of the asset transferred is reasonable. A possible third determination may involve whether or not conditions should be imposed upon the transfer of assets. It should be noted that Application No. 36247 is an "after the fact" application for approval of a transfer which, in fact, has already occurred. The correct procedure, of course, would have been to obtain Commission authorization for the transfer of assets, pursuant to CRS 40-5-105, prior to the execution of the transfer itself. In these unusual circumstances, the Commission believes that it is incumbent upon it to proceed with Application No. 36247 as expeditiously as possible. As can be seen by an abbreviated recitation of the procedural history, hearings have already been delayed from August to September to December of 1984. Accordingly, the Commission believes that it is appropriate to proceed on with the within application, as originally filed, pursuant to procedural dates that have already been established by Examiner Fritzel's order contained in Decision No. R84-881-I, dated August 10, 1984. We shall so order.

Notwithstanding the fact that the Commission believes it is appropriate for Mountain Bell to proceed on its original application within the time frames established prior to the time it filed its motion for leave to amend its application, we shall also allow Mountain Bell to amend its application to take into consideration the new financial figures which it sets forth in its amended application. However, hearings with respect to the amended application of Mountain Bell will be held sometime in the early part of 1985 and a final decision with respect to Mountain Bell's application, as amended, will be deferred until hearings both with respect to the original application (presently set for December 12, 13, and 14, 1984) and hearings with respect to Mountain Bell's amended application to be set sometime in the early part of 1985 are concluded. Specific procedural dates with respect to the amended application phase will be set forth in a subsequent order of the Commission. In the meantime, we shall order the Staff of the Commission to commence an audit of Mountain Bell's financial data in connection with the figures set forth in its amended application. We shall expect Mountain Bell to cooperate fully with the Staff so that the audit of the amended application figures can proceed in due course and in an expeditious fashion.

So that there can be no misunderstanding, the Commission desires to state that Mountain Bell and the parties shall proceed both in the hearings on the original application and in the hearings on the amended application to examine the impact in the structural separation on Mountain Bell's 1984 results.

An appropriate order will be entered.

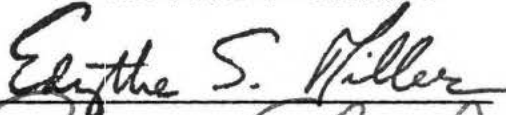

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Amend Application No. 36247, filed by The Mountain States Telephone and Telegraph Company on August 27, 1984, is granted subject to the terms and conditions set forth in this Decision and Order.
2. The Mountain States Telephone and Telegraph Company, and all other parties in Application No. 36247, shall proceed on the original application filed by The Mountain States Telephone and Telegraph Company in accordance with the procedural directives set forth in Decision No. R84-881-I, dated August 10, 1984.
3. Hearings with respect to the amended application filed by The Mountain States Telephone and Telegraph Company on August 27, 1984, together with procedural directives relating thereto, shall be set forth by subsequent procedural order of the Commission.
4. Both with respect to the original application filed by Mountain States Telephone and Telegraph Company and with respect to its amended application, Mountain States Telephone and Telegraph Company and other parties shall examine the impact of the structural separation resulting from the transfer of certain assets associated with the publishing of directories upon the financial results accruing to Mountain Bell for the year 1984.
5. In accordance with the decision and order herein, the Staff of the Commission shall conduct an audit of the figures which gave rise to the amended application filed by The Mountain States Telephone and Telegraph Company on August 27, 1984, and such audit shall be conducted in as expeditious a manner as possible.
6. Further procedural directives shall be issued by subsequent order or orders of the Commission.
7. The Decision and Order herein shall be effective forthwith.

DONE IN OPEN MEETING the 21th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF THE MOUNTAIN STATES TELEPHONE)
AND TELEGRAPH COMPANY TO OBTAIN) APPLICATION NO. 36247
AUTHORIZATION FOR THE TRANSFER)
OF CERTAIN ASSETS ASSOCIATED WITH)
DIRECTORY ADVERTISING.)

September 21, 1984

STATEMENT

BY THE COMMISSION:

On September 19, 1984 The Colorado Municipal League (League) filed a Motion to Compel Discovery. The League requests that the Commission set the Motion for hearing on September 24, 1984 at 2:00 p.m. or as soon thereafter as practicable. The League stated in Paragraph 15 of its Motion:

The issues addressed in this motion are sufficiently significant and complicated that oral arguments should be held by the Commission at the earliest possible time. Speed is of the essence in this matter because the testimony of Staff and Intervenor must be filed no later than October 15, 1984. The last day for discovery responses filed by Mountain Bell is September 28, 1984. If U.S. West Direct is compelled to properly answer discovery as described hereinbefore, the ordered answers will have to be provided through deposition(s). In order to be of any use in this case, such deposition(s) must be ordered taken as quickly as possible, and no later than September 28, 1984.

The Commission finds that responses to the within Motion should be shortened to 2:00 p.m. on September 24, 1984, and that the within Motion should be set for hearing as ordered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Compel Discovery filed by the Colorado Municipal League filed on September 19, 1984 is set for hearing as follows:

DATE: Monday, September 24, 1984

TIME: 2:00 p.m.

PLACE: Commission Hearing Room
Logan Tower
Office Level 2 (OL 2)
1580 Logan Street
Denver, Colorado 80203

2. Responses to the Motion, if any, shall be filed on or before September 24, 1984 at 2:00 p.m.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 21st day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER ANDRA SCHMIDT ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|---------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF BERTA BROS. TRANSPORTATION,) | APPLICATION NO. 36455-Extension |
| INC., 903 COLORADO HIGHWAY 115,) | |
| PENROSE, COLORADO FOR AUTHORITY) | ORDER OF THE COMMISSION |
| TO EXTEND OPERATIONS UNDER) | |
| CERTIFICATE OF PUBLIC CONVENIENCE) | |
| AND NECESSITY PUC NO. 16369.) | |

- - - - -
September 25, 1984
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered.

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, The Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 16369 to include the following:

"Transportation -- on call and demand -- of

Cement in sacks

Between points in the Counties of Douglas, El Paso, Fremont, and Teller, and between those Counties, on the one hand, and all points in the Counties of Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, Morgan, and Weld, State of Colorado, on the other hand."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 16369 as extended, shall read and be as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by an Act of God, the public enemy, or extreme conditions.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Skynia
Ronald L. Lehn
Commissioners

Berta Transportation, Inc.

I. Transportation -- on call and demand -- of

- (1) Commodities which because of size or weight require the use of special equipment between points in Colorado.

RESTRICTION: Item No. (1) is restricted as follows:

- (a) Restricted against service to, from or between points in Adams, Arapahoe, Boulder, Denver, and Jefferson Counties, State of Colorado.
- (b) Restricted against the transportation of commodities in bulk;
- (c) Restricted against the transportation of oil field commodities for the oil and gas industries as defined in T. E. Mercer and G. E. Mercer extension -- oil field commodities, 74 MCC 459; and
- (d) The term "commodities which because of size or weight require the use of special equipment" as used in Item 1 of this Certificate shall have the same meaning as is accorded like descriptions contained in Certificates issued by the Interstate Commerce Commission.

- (2) Fabricated cement products and concrete products and parts and supplies used in the fabrication thereof

Between points in Douglas, El Paso, Fremont and Teller Counties, Colorado, and between said points, on the one hand, and points in Colorado, on the other hand.

- (3) Cement

Between points in Douglas, El Paso, Fremont, and Teller Counties, Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

RESTRICTIONS: Item Nos. (2) and (3) are restricted as follows:

- (a) Restricted against the transportation of commodities in bulk (except cement); and
- (b) Restricted against the transportation of oil field commodities for the oil and gas industries as defined in T. E. Mercer and G. E. Mercer, extension -- oil field commodities, 74 MCC 459.

RESTRICTIONS: Item Nos. (1), (2), and (3) are restricted as follows:

- (a) That the operator shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed outside the Counties of Fremont and El Paso, State of Colorado, for the purpose of developing business;

- (b) That for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the operator shall charge rates which shall be as much as twenty percent higher in all cases than those charged by scheduled carriers; and

RESTRICTIONS: Item Nos. (1) and (2) are restricted as follows:

- (a) Restricted against any transportation into, out of, or between points located within Canon City, Colorado and a thirty-five (35) mile radius thereof.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|------------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF STEINBECKER BROS., INC., P. O.) | APPLICATION NO. 36259-PP-Extension |
| BOX 852, 2ND AVENUE, GREELEY,) | |
| COLORADO, FOR AUTHORITY TO EXTEND) | INTERIM ORDER OF |
| OPERATIONS UNDER CONTRACT CARRIER) | EXAMINER ROBERT E. TEMMER |
| PERMIT NO. B-9272.) | |

September 25, 1984

STATEMENT

Applicant filed its Motion to Compel further Response to Discovery on August 24, 1984. No reply was filed. The motion is directed to the answers of RAC Transport Company, Inc. The grounds stated in the motion are sufficient.

O R D E R

THE EXAMINER ORDERS THAT:

1. RAC Transport Company, Inc., shall within five days of the effective date of this Order provide answers to Paragraphs 3, 4, 9, and 15 of the interrogatories and request to produce served by Applicant, as outlined in the Motion to Compel Further Response to Discovery filed by Applicant on August 24, 1984.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

KENNETH K. DREILING
1496 SOUTH NAVAJO STREET
DENVER, COLORADO 80223

Complainant,

vs.

GERALD J. TAMBURELLI,
DOING BUSINESS AS "MOUNTAIN
VALLEY CONOCO TOWING"
501 PARK AVENUE
POST OFFICE BOX 770
KREMMLING, COLORADO 80459.

CASE NO. 6390

INTERIM ORDER OF
EXAMINER ARTHUR G. STALIWE

September 25, 1984

STATEMENT

By request telephoned to the Commission on September 5, 1984, Respondent requested that the hearing in this matter currently scheduled for Friday, September 7, be vacated and rescheduled to Wednesday, September 26, 1984. Respondent indicated that the September 26 date was acceptable to all parties in this matter. An appropriate order will follow:

ORDER

1. The hearing in this matter currently scheduled for Friday, September 7, 1984, be, and hereby is, vacated.

2. Hearing in this matter is rescheduled as follows:

DATE: Wednesday, September 26, 1984

TIME: 10:30 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Logan Tower
Denver, Colorado

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur G. Stalwe
Examiner

vc:5079c

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE THE MATTER OF MOTOR VEHICLE)
COMMON AND CONTRACT CARRIERS LISTED)
ON "APPENDIX A" HERETO,)
Respondents.)

RECOMMENDED DECISION OF
EXAMINER KEN F. KIRKPATRICK

- - - - -
September 28, 1984
- - - - -

Appearances: Betty Schwahn and Jan Johnson for
Schwahn Trucking; and

Jonell Poley Denver, Colorado of the
Staff of the Commission

STATEMENT

Each of the cases listed on the attached Appendix A were instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on September 10, 1984. The matters were duly called for hearing pursuant to such notice on September 24, 1984, at 8:30 a.m., in the Commission Hearing Room, Logan Tower, Office Level 2, 1580 Logan Street, Denver, Colorado by Ken F. Kirkpatrick assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in Appendix A hereto appeared at the hearing, (except as noted in Appearances above.)

Pursuant to the provisions of CRS 40-6-109, Examiner Ken F. Kirkpatrick now transmits to the Commission the record of this proceeding and a written recommended decision containing findings of fact, conclusions thereon and the recommended order or requirement.

FINDINGS OF FACT AND CONCLUSIONS THEREON

Based upon all the evidence of record, the following facts are found and conclusions thereon drawn:

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in Appendix A hereto, and by reference incorporated hereinto.

2. The said Respondents, (except as noted in Appearances above,) without good cause shown, failed to appear as lawfully ordered by the Commission.

3. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission (and/or failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.)

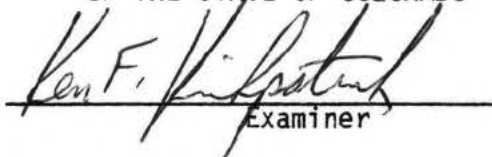
4. Pursuant to CRS 40-6-109, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of the respective Respondents, as identified in Appendix A attached hereto, and by reference incorporated in this Order, be, and hereby are, suspended as of the effective date of this Order.
2. The operating authorities of each of the Respondents, as identified on Appendix A attached hereto, be, and hereby are, revoked as of the sixtieth (60th) day following the effective date of this Order.
3. Ordering Paragraph 1 shall be null and void and the respective case shall be dismissed by the terms hereof, as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order, which insurance shall cover the entire period, without lapse, for which the Certificate of Insurance was required.
4. Ordering Paragraph 2 shall be null and void with respect to the Respondent who files the required Certificate of Insurance prior to the sixtieth (60th) day following the effective date of this Order.
5. The Commission retains jurisdiction herein to make such further and additional orders as may be just and necessary.
6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
7. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114. In the event exceptions are filed herein to this Recommended Decision by a Respondent, only such part of the Recommended Decision shall be stayed, pursuant to CRS 40-6-109, as to the particular case involved in said Respondent's exceptions.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|---|----------------|-----------------|
| AAA Filter Service, Inc. 17422 Chatsworth St. Granada Hills, CA 91344 | 13303-I | 15751-Ins. |
| Albert and Andy Sandoval dba Al-An Towing 966 Mariposa Denver, CO 80204 | T-1779 | 15752-Ins. |
| Daniel L. and W. M. Vanderhoef dba Aldan Trucking 908 Herman St. Myrtle Point, OR 97458 | 18335-I | 15753-Ins. |
| Harold W. Baker 12030 Mohawk Rd. Apple Valley, CA 92307 | 21203-I | 15756-Ins. |
| Baron Transport, Inc. 1336 SW 12th Ave. Ocala, FL 32674 | 18966-I | 15758-Ins. |
| Simannook Sage Inc. dba Born Again Trucking 35 Miles North Chester, MT 59522 | 18725-I | 15763-Ins. |
| W. Y. Buchanan dba Buchanan Trucking P.O. Box 129 Honey Grove, TX 75446 | 21176-I | 15764-Ins. |
| Continental Cartage, Ltd. 5555 Northeast 16th St. Des Moines, IA 50313 | 19326-I | 15768-Ins. |
| Clarence E. Corn 714 Woodland Ave. Lakeland, FL 33801 | 14105-I | 15769-Ins. |
| Cutler Freight, Inc. 723 Morton Street E. Rutherford, NJ 07073 | 18110-I | 15770-Ins. |
| D & M Freight, Inc. dba D & M Transport 25945 Kalmia St. Sunnymead, CA 92388 | 19542-I | 15771-Ins. |
| Delmar Adams dba DSA Trucking P.O. Box 383 Limon, CO 80828 | 17462-I | 15772-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|---|----------------|-----------------|
| Ed Banks, Inc. 915 North Main Sapulpa, OK 74066 | 21547-I | 15775-Ins. |
| Dearl Foxworth dba Elite Trucking Co. 4802 Middle Falls Dr. Kingwood, TX 77339 | 17793-I | 15776-Ins. |
| Alfred M. Flatergraff dba Gardner Truck Lines P.O. Box 22 Pine River, MN 56474 | 14938-I | 15781-Ins. |
| Dennis L. Ray dba Golden West 6747 W.C.R. 19 Ft. Lupton, CO 80621 | 17011-I | 15783-Ins. |
| Grandview Enterprises, Inc. P.O. Box 17335 Portland, OR 97217 | 20697-I | 15784-Ins. |
| H. D. Edgar Trucking Company, Inc. 104 Adams Road Opp, AL 36467 | 12827-I | 15785-Ins. |
| Harold Dean Fry dba Hallmark Trucking 126 Reata Ave. Ventura, CA 93003 | 14925-I | 15786-Ins. |
| James L. Hanrahan dba Hanrahan and Sons 7280 N. Peterson Rd. Sedalia, CO 80135 | T-1817 | 15787-Ins. |
| Hanson Lumber Co. Inc. Box 115 Beach, ND 58621 | 8522-I | 15788-Ins. |
| Hapes Truck Lines, Inc. Rt. 1 Garden City, KS 67846 | 3376-I | 15789-Ins. |
| Jack Hensley Rt. 1, Box 94A Shirley, AR 72153 | 21695-I | 15791-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|---|----------------|-----------------|
| Pat Hess dba Pat Hess Trucking Co. Rt. 1, Box 288 B Wynne, AR 72396 | 21699-I | 15792-Ins. |
| Jess L. Hornbuckle Rt. 1, Box 43 E4 Ashdown, AR 71822 | 19664-I | 15794-Ins. |
| Hotshot Oilfield Deliveries, Inc. P.O. Box 94815 Oklahoma City, OK 73143 | 17004-I | 15795-Ins. |
| Darrell Huckfeldt Box 184 Hay Springs, NE 69347 | 19271-I | 15796-Ins. |
| John D. Hughes 101 Felicity Dr. Houma, LA 70360 | 19582-I | 15797-Ins. |
| Tony Jansma and Norwood Geerdes dba Iowa Livestock Express 347 W. 11th Sibley, IA 51249 | 16930-I | 15799-Ins. |
| John Kastl dba John Kastl Trucking 21602 Tumeric Court Saugus, CA 91350 | 20288-I | 15802-Ins. |
| Earl W. Kersey P.O. Box 1597 Dade City, FL 33525 | 12615-I | 15803-Ins. |
| Halberg Const & Supply, Inc. dba Kirscher Transport South 18th Ave. & 8th St. Virginia, MN 55792 | 18232-I | 15804-Ins. |
| Robert Harbin dba LCI Trucking P.O. Box 2177 Upland, CA 91788 | 20822-I | 15806-Ins. |
| Ernest J. Bryant dba Larkspur Towing & Automotive 9138 S. Spruce Mountain Road Larkspur, CO 80118 | T-1642 | 15807-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|---|----------------|-----------------|
| Ronald Lehman dba Lehman Land & Livestock P.O. Box 31135 Billings, MT 59107 | 20635-I | 15809-Ins. |
| Lenneman Transport, Inc. 10 Michigan Street North Hutchinson, MN 55350 | 20870-I | 15810-Ins. |
| Bobby Lewallen Route 1, Box 99C Santo, TX 76472 | 18829-I | 15811-Ins. |
| Loomis Armored Car Service, Inc. 832 Sansome St. San Francisco, CA 94111 | B-7598-I | 15812-Ins. |
| Laurence H. Martin Route 1 Denver, PA 17517 | 21443-I | 15815-Ins. |
| Felipe Mendoza dba Mendoza Trucking P.O. Box 8 Atascosa, TX 78002 | 19839-I | 15818-Ins. |
| Midland Southwestern Livestock Auction, Inc. P.O. Box 645 Midland, TX 79702 | 17400-I | 15819-Ins. |
| Mike Phillips Enterprises, Inc. 301 S. 3rd Street Phoenix, AZ 85004 | 18053-I | 15821-Ins. |
| Richard L. Mikulich dba Mikulichek Trucking P.O. Box 421 Silver Lake, MN 55381 | 20194-I | 15822-Ins. |
| Edward Namanny 1700 Lomas Circle Atlantic, IA 50022 | 20580-I | 15825-Ins. |
| Nationwide Express, Inc. 1215 Cetone Avenue Dayton, OH 45408 | 19840-I | 15826-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|---|----------------|-----------------|
| W. E. Nichols, III Route 1 Alamo, TN 38001 | 19313-I | 15829-Ins. |
| Papa Enterprises, Inc. 12494 Wyoming Ave. So. Savage, MN 55378 | 17351-I | 15832-Ins. |
| Peter D. Dahringer dba Peter D. Enterprises 5850 Jornada Road North Las Cruces, NM 88001 | 21438-I | 15835-Ins. |
| Rebel Express, Inc. P.O. Box 99 Perry, IA 50220 | 13984-I | 15836-Ins. |
| Red Trail Transport ,Inc. 4th & Main, Box 997 Beach, ND 58621 | 15542-I | 15837-Ins. |
| Ray L. Reynolds dba Reynolds Trucking 2465 West 3200 North Salt Lake City, UT 84116 | 19276-I | 15838-Ins. |
| John F. & Betty Schwahn dba Schwahn Trucking 702 Yale Buena Vista, CO 81211 | 20042-I | 15840-Ins. |
| Sea Rail Piggyback Services, Inc. 1865 Bernice Road Lansing, IL 60438 | 20038-I | 15841-Ins. |
| Leonard R. Short dba Short Stop Automotive P.O. Box 718 Cripple Creek, CO 80813 | T-1704 | 15842-Ins. |
| Radley C. Sorenson 559 2nd Ave. N.W. Winnebago, MN 56098 | 16855-I | 15843-Ins. |
| Spease, Inc. R D 55 West Portal Road Asbury, NJ 08802 | 19795-I | 15844-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

APPENDIX A

| <u>NAME AND ADDRESS</u> | <u>PUC NO.</u> | <u>CASE NO.</u> |
|---|----------------|-----------------|
| James L. Svihla Route 6 Mandan, ND 58554 | 21480-I | 15845-Ins. |
| Wacek, Inc. RR 2, Box 198 Redwood Falls, MN 56283 | 12950-I | 15849-Ins. |
| Walter Short Agency, Inc. P.O. Box 635 Dearborn, MI 48126 | 14828-I | 15850-Ins. |
| Charles E. Willis dba Charles Willis & Sons Trucking Company 2523 Old Savannah Road Augusta, GA 30906 | 19534-I | 15854-Ins. |
| Wilson Freight Lines, Inc. 729 S. Jupiter Garland, TX 75042 | 10937-I | 15855-Ins. |
| 2-10 Frappon Farm, Inc. P.O. Box 758 Band Knob, AR 72010 | 15122-I | 15856-Ins. |

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
ADMINISTRATIVE DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 866-3171.

jkm:5227A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|---------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF ABRAHAM & FRANCES WOLPO AND |) | |
| EDWARD YENKINSON, DOING BUSINESS |) | APPLICATION NO. 35997-Extension |
| AS FRAN-WOL CRYSTAL COMPANY, 895 |) | Amended |
| FEDERAL BOULEVARD, DENVER, COLO- |) | |
| RADO, FOR A CERTIFICATE OF PUBLIC |) | INTERIM ORDER OF |
| CONVENIENCE AND NECESSITY |) | EXAMINER THOMAS F. DIXON |
| AUTHORIZING AN EXTENSION OF OPER- |) | |
| ATIONS UNDER PUC NO. 8657. |) | |

September 26, 1984

STATEMENT

This matter was set for hearing on August 31, 1984, at 8:00 a.m. in the Commission Hearing Room, Denver, Colorado. In the application as amended, by Order issued August 24, 1984, Applicant seeks:

A certificate of public convenience and necessity authorizing an extension of operations under PUC No. 8657 to include the transportation of: (1) Dental goods and supplies between all manufacturers of dental goods or supplies located in the Counties of Denver, Adams, Arapahoe, Boulder, Weld, Larimer, Jefferson, Douglas, El Paso and Pueblo, State of Colorado, on the one hand, and all dentist offices in the above-named counties, on the other hand; (2) Jewelry and related items, jewelry store supplies and optical goods and supplies between all points located within the City and County of Denver, State of Colorado, on the one hand, and all points in the County of Douglas, State of Colorado, on the other hand. Item Nos. (1) and (2) are restricted to transportation of packages not to exceed fifty (50) pounds.

Applicant further requests modification of the present weight restriction contained in paragraph number (2) of the present certificate so as to authorize a maximum of fifty (50) pounds per package instead of ten (10).

This application was protested by John A. and Beverly Z. Reese doing business as J & B Delivery Service (J & B Delivery).

On August 30, 1984, this Examiner was advised by the parties that they had reached a stipulation for a restrictive amendment which would eliminate the need for the hearing scheduled on August 31, 1984. On August 31, 1984, the parties filed a Stipulation for Restrictive Amendment and Withdrawal of Protest. Under the terms of this stipulation, Fran-Wol Crystal amends that portion of its application which relates to the transportation of dental goods and supplies to provide as follows:

Restricted to the transportation of prosthetic dental devices, impressions and related laboratory work.

Accordingly, Applicant now seeks:

(1) A certificate of public convenience and necessity authorizing an extension of operations under PUC No. 8657 to include the transportation of prosthetic dental devices, impressions and related laboratory work between all manufacturers of dental goods or supplies located in the Counties of Denver, Adams, Arapahoe, Boulder, Weld, Larimer, Jefferson, Douglas, El Paso, and Pueblo, State of Colorado on the one hand, and all dentist offices in the above-named counties, on the other hand; (2) Jewelry and related items, jewelry store supplies and optical goods and supplies between all points located within the City and County of Denver, State of Colorado, on the one hand, and all points in the County of Douglas, State of Colorado, on the other hand. Item Nos. (1) and (2) are restricted to the transportation of packages not to exceed fifty (50) pounds.

Applicant further requests modification of the present weight restriction contained in paragraph number (2) of the present certificate so as to authorize a maximum of fifty (50) pounds per package instead of ten (10).

The amendment proposed by Applicant is restrictive in nature and reasonable. Accordingly, the amendment should be approved. J & B Delivery has advised that upon acceptance of the amendment, its protest to this application would be withdrawn. Since the amendment has been accepted, the request to withdraw the protest filed on behalf of J & B Delivery should be granted.

Since this matter is now uncontested, it is ripe for consideration under the Commission's modified procedure docket. In the event the authority sought as amended, is approved by the Commission, the full authority held by Fran-Wol Crystal Company under Certificate of Public Convenience and Necessity PUC No. 8657 after incorporating the amendment and rewriting the authority in a clearer manner, would read as follows:

Transportation of:

- (1) Jewelry and related items, jewelry store supplies, and optical goods and supplies, between all point located within the City and County of Denver, Colorado, and between said points on the one hand, and all points located within an area comprised of the Counties of Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Pueblo, and Weld, State of Colorado, on the other hand.
- (2) Prosthetic dental devices, impressions and related laboratory work between all manufacturers of dental goods or supplies located in the Counties of Denver, Adams, Arapahoe, Boulder, Weld, Larimer, Jefferson, Douglas, El Paso, and Pueblo, State of Colorado, on the one hand, and all dentist offices in the above-named counties, on the other hand.

RESTRICTIONS:

(1) Item No. (1) is restricted as follows:

- (A) To transportation of packages not to exceed fifty (50) pounds, and

(8) Shipments of jewelry shall not exceed \$1,000 in value.

(2) Item No. (2) is restricted to the transportation of packages not to exceed fifty (50) pounds.

The parties are advised that in the event this rewording of the authority to incorporate the extension sought and the amendments offered is not consistent with the pleadings filed, they should advise Staff of the Commission within 5 days from the date of this order.

The hearing scheduled for August 31, 1984, at 8:00 a.m., in the Commission Hearing Room, Denver, Colorado, should be vacated.

O R D E R

THE EXAMINER ORDERS THAT:

1. The stipulation for restrictive amendment and withdrawal of protest filed by the parties on August 31, 1984, is approved. Any authority sought by the Applicant shall be so restricted.

2. The request to withdraw the protest of J & B Delivery Service is granted.


3. The hearing scheduled in this matter for August 31, 1984, at 8:00 a.m., in the Commission Hearing Room, Denver, Colorado, is vacated.

4. This matter shall be considered under the Commission's Modified Procedure Docket.

5. Applicant shall supply to the Staff of the Commission upon their request, affidavits or letters of support as may be necessary to demonstrate public need and operational fitness.

6. This order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner

nrg:5211A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

WILLIAM L. FOORMAN
4695 FOX ROAD
CASCADE, COLORADO 80809

Complainant,

vs.

CASCADE PUBLIC SERVICE COMPANY
4450 FOUNTAIN AVENUE
POST OFFICE BOX 57
CASCADE, COLORADO 80809

Respondent.

CASE NO. 6379

RECOMMENDED DECISION OF
EXAMINER THOMAS F. DIXON

September 27, 1984

STATEMENT, FINDINGS OF FACT AND CONCLUSIONS THEREON

1. On April 16, 1984, William J. Foorman (Complainant) filed the complaint in this action. An Order to Satisfy or Answer was sent by the Commission on April 18, 1984 to Cascade Public Service Company (Respondent). Respondent filed its answer to this complaint with the Commission on May 7, 1984. By notice issued June 1, 1984, this matter was set for hearing on July 23, 1984, at 9:00 a.m., in the Commission Hearing Room, Denver, Colorado. On June 6, 1984, Complainant requested the hearing be rescheduled, since he would be out of the state and unable to attend the hearing. Upon Complainant's request, this matter was reset for hearing on September 4, 1984, at 9:00 a.m., in the Commission Hearing Room, Denver, Colorado. A copy of this notice vacating and resetting hearing was sent to Complainant at his address on record with the Commission.

This matter was called to hearing as scheduled. At that time, William L. Foorman failed to appear. John Shoemaker was present on behalf of Cascade Public Service Company. After waiting 30 minutes, this Examiner granted a motion made on behalf of Cascade Public Service Company to dismiss the complaint on the basis that Complainant had failed to appear for the hearing.

This Commission has received no motions, telephone calls or requests from Complainant that this matter be continued from the scheduled hearing date of September 4, 1984. Accordingly, no grounds have been set forth to explain why Complainant failed to appear for the hearing as scheduled.

Pursuant to CRS 40-6-109, this Examiner now transmits to the Commission the record in this matter together with this written Recommended Decision.

O R D E R

THE EXAMINER ORDERS THAT:

1. The complaint filed by William L. Foorman on April 16, 1984, against Cascade Public Service Company, is dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|------------------------------------|---|------------------------------|
| RE: INVESTIGATION AND SUSPENSION |) | INVESTIGATION AND SUSPENSION |
| OF THE TARIFF SHEET ACCOMPANYING |) | DOCKET NO. 1646 |
| ADVICE LETTER NO. 6 FILED BY |) | |
| UNION TELEPHONE COMPANY, TARIFF |) | |
| COLORADO P.U.C. NO. 2 - TELEPHONE. |) | RECOMMENDED DECISION OF |
| |) | EXAMINER THOMAS F. DIXON |

September 26, 1984

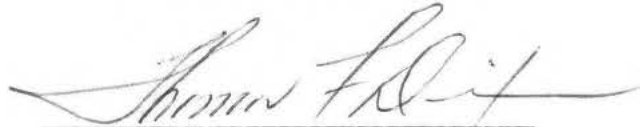
STATEMENT AND FINDINGS OF FACT

This matter was set for hearing on September 6, 1984, at 9:00 a.m., in the Commission Hearing Room, Denver, Colorado. On August 23, 1984, the Staff of the Commission filed a Motion for Continuance asserting that the Staff and Union Telephone Company were negotiating the terms of a stipulated settlement in this matter. On September 4, 1984, Union Telephone Company filed a letter rescinding Tariff No. 3 (sic) filed in May 1984. Accordingly, this matter should be dismissed.

ORDER

1. The hearing scheduled for September 6, 1984, is vacated.
2. This matter is dismissed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF RANDALL HARRIS AND JAMES |) | APPLICATION NO. 36102 |
| GREGORY KUHN, DOING BUSINESS AS |) | |
| "UPTOWN TAXI & LIMOUSINE," 1206 |) | INTERIM ORDER OF |
| WEST TOMICHI, GUNNISON, COLORADO, |) | EXAMINER JOHN B. STUELPNAGEL |
| FOR AUTHORITY TO OPERATE AS A |) | |
| COMMON CARRIER BY MOTOR VEHICLE |) | |
| FOR HIRE. |) | |

September 27, 1984

STATEMENT

By Decision No. R84-685-I issued June 28, 1984, this matter was set for hearing on Tuesday, September 18, 1984. On July 6, 1984, Protestants Crested Butte Limousine Service and Gunnison Valley Express filed a motion to vacate the hearing date of September 18, 1984 and as grounds for such motion, state that counsel for Protestants will not be available on said date. Good grounds having been shown, the Motion to Vacate should be granted. A Motion to Dismiss, filed on August 31, 1984 by Protestant C. Dixon Clarke dba Crested Butte Taxi Company for failure of Applicant to file its list of witnesses and exhibits should be denied as such list was filed by Applicant on June 11, 1984. Hearing in this matter shall be reset as set forth in the Order below.

ORDER

THE EXAMINER ORDERS THAT:

1. The Motion to Vacate the hearing date of Tuesday, September 18, 1984 filed by Protestants Crested Butte Limousine Service and Gunnison Valley Express is granted. The hearing date of Tuesday, September 18, 1984 is vacated.

2. Hearing in the above captioned matter is set as follows:

DATE: Wednesday, November 14, 1984

TIME: 9:00 a.m.

PLACE: Courtroom, Second Floor
Gunnison County Courthouse
Gunnison, Colorado

3. The Motion to Dismiss filed by C. Dixon Clarke dba Crested Butte Taxi Company is denied.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

nrg:5221A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

SHELBY B. DAUGHERTY AND
MAUREEN C. DAUGHERTY
P. O. BOX 573
DIVIDE, COLORADO 80814

Complainants,

vs.

INTERMOUNTAIN RURAL ELECTRIC
ASSOCIATION
5496 NORTH U.S. HIGHWAY 85
P. O. DRAWER A
SEDALIA, COLORADO 80135

Respondent.

CASE NO. 6369

RECOMMENDED DECISION BY
EXAMINER JOHN B. STUELPNAGEL

September 28, 1984

Appearances: Richard D. Greene, Esq.,
Englewood, Colorado, for
Respondent Intermountain
Rural Electric Association.

STATEMENT OF THE CASE

The above captioned Complaint was filed with this Commission by Shelby B Daugherty and Maureen C. Daugherty (Complainants), on January 17, 1984, asserting discriminatory treatment in Respondents' line extension policies. On January 23, 1984, an Order to Satisfy or Answer was served upon Intermountain Rural Electric Association (Respondent), by the Executive Secretary of the Commission. A Response was filed on behalf of Respondent on February 9, 1984.

By Order Setting Hearing and Notice of Hearing issued March 26, 1984, the matter was initially set for hearing on Wednesday, May 23, 1984 at 9:00 a.m., in the Fifth Floor Hearing Room, 500 State Services Building, 1525 Sherman Street, Denver, Colorado 80203. At the request of Complainants, hearing was continued by Decision No. R84-611-I until July 11, 1984 at the same time and place. The matter was called for hearing as scheduled at which time Complainants failed to appear, and Respondent moved to dismiss the complaint. Respondent's Motion is granted in as much as review of the file shows that Notice of Hearing had been duly served upon Complainants by mail on June 15, 1984.

Pursuant to the provisions of 40-6-109 CRS, it is recommended that the Commission enter the following order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 6369 being the complaint of Shelby B. Daugherty and Maureen C. Daugherty, P.O. Box 573, Divide, Colorado 80814, against Intermountain Rural Electric Association is dismissed.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John B. Steelonegel
Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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| IN THE MATTER OF THE APPLICATION) OF GTE SPRINT COMMUNICATIONS) CORPORATION FOR A CERTIFICATE OF) PUBLIC CONVENIENCE AND NECESSITY) TO OFFER INTERCITY TELECOMMUNI-) CATIONS SERVICES TO THE PUBLIC IN) THE STATE OF COLORADO AND FOR THE) ESTABLISHMENT OF INITIAL RATES.) | APPLICATION NO. 36360 |
| IN THE MATTER OF THE APPLICATION OF) MCI TELECOMMUNICATIONS CORPORATION) FOR A CERTIFICATE OF PUBLIC CON-) VENIENCE AND NECESSITY TO OFFER) INTRASTATE TELECOMMUNICATIONS) SERVICES TO THE PUBLIC IN THE) STATE OF COLORADO.) | APPLICATION NO. 36337 |
| IN THE MATTER OF THE APPLICATION) OF MCI TELECOMMUNICATIONS CORPOR-) ATION FOR TEMPORARY AUTHORITY TO) OFFER INTRASTATE TELECOMMUNICATIONS) SERVICES TO THE PUBLIC IN THE STATE) OF COLORADO.) | APPLICATION NO. 36338-TA |
| IN THE MATTER OF THE APPLICATION OF) GTE SPRINT COMMUNICATIONS CORPOR-) ATION FOR TEMPORARY AUTHORITY TO) OFFER INTERCITY INTERLATA TELECOM-) MUNICATIONS SERVICES TO THE PUBLIC) IN THE STATE OF COLORADO.) | APPLICATION NO. 36448-TA |
| AT&T COMMUNICATIONS OF THE MOUNTAIN) STATES, INC.) Complainant,) vs.) MCI TELECOMMUNICATIONS CORPORATION,) GTE SPRINT COMMUNICATIONS CORPORA-) TION AND THE MOUNTAIN STATES TELE-) PHONE AND TELEGRAPH COMPANY, INC.) ET AL.) Respondents.) | CASE NO. 6386 ORDER OF THE COMMISSION UPON APPLICATIONS OF REHEARING, REARGUMENT OR RECONSIDERATION |

September 25, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 21, 1984, the Commission granted MCI Telecom-
munications Corporation (MCI) and GTE Sprint Communications Corporation
(GTE Sprint) respectively, separate temporary authorities to offer
interLATA telecommunication services to the public in the state of

Colorado. The grant of the temporary authorities was accomplished pursuant to Decision No. C84-927. Paragraph 6 of the Decision as corrected by Decision No. C84-967, dated August 28, 1984, nunc pro tunc August 21, 1984, states:

6. Interexchange carriers, such as MCI and GTE Sprint, are not permitted to offer intra-LATA calling. All intra-LATA calls that occur shall either be blocked or the local exchange companies shall be compensated for revenues lost as a result of such intra-LATA calls. MCI and GTE Sprint shall file with this Commission within 30 days of the effective date of this order their plans which shall provide for blocking or direct compensation to the local telephone company for lost intra-LATA revenues.

On September 10, 1984, MCI and GTE Sprint filed applications for rehearing, reconsideration or reargument.

On September 17, 1984, the Mountain States Telephone and Telegraph Company (Mountain Bell) filed a Motion to Clarify Decision No. C84-927.

Both GTE Sprint and MCI request the Commission to reconsider ordering paragraph 6 as set forth in Decision No. C84-927. GTE Sprint and MCI both indicate that they have entered into a stipulation with Mountain Bell which provides in part:

In addition, any party specifically reserves the right to assert GTE Sprint's and MCI-T's obligation to pay charges for intrastate access and transport pre-dating the grant of temporary authority by the Commission and GTE Sprint and MCI-T shall maintain whatever books and records presently exist from which such information may be determined.

Both GTE Sprint and MCI request that any Commission order with respect to compensation and blocking be deferred until the hearings on the permanent applications for authority. Additionally, it was indicated that in view of the short time period in which the parties have to prepare for the permanent hearing, that it would be unwise and not cost-effective to put together a blocking or compensation plan. Even if such plans were presented to the Commission, it was contended no underlying testimony or factual information before the Commission upon which it could evaluate such plans.

The Commission finds that the applications of GTE Sprint and MCI for rehearing, reconsideration or reargument should be granted, and that the Commission should specifically incorporate by order paragraph 3 of the stipulation entered into among GTE Sprint, MCI and Mountain Bell.

O R D E R

THEREFORE THE COMMISSION ORDERS THAT:

1. The Application of GTE Sprint Communications Corporation for Rehearing, Reconsideration or Reargument directed to Decision No. C84-927, dated August 21, 1984, is granted in accordance with this decision.

2. The Application of MCI Telecommunications Corporation for Rehearing, Reconsideration or Reargument directed to Decision No. C84-927, dated August 21, 1984, is granted in accordance with this decision.

3. Ordering paragraph 6, as contained in Decision No. C84-927, is modified to read as follows:

6. Interexchange carriers, such as MCI and GTE Sprint, are not permitted to offer intra-LATA calling. GTE Sprint and MCI shall maintain all billing records necessary to determine appropriate access charges as well as the amount and volume of intra-LATA telecommunication services rendered to all subscribers from January 1, 1984 to the date of a final order of this Commission in Application No. 36360, and Application No. 36337, respectively. In addition, any party may specifically reserve the right to assert GTE Sprint's and MCI-T's obligation to pay charges for intrastate access and transport predating the grant of temporary authority by the Commission and GTE Sprint and MCI-T shall maintain whatever books and records presently exist from which such information may be determined.

4. The Motion to Clarify Decision No. C84-927 filed by The Mountain States Telephone and Telegraph Company on September 17, 1984, is granted consistent with this decision and otherwise is denied.

5. Except as hereinabove modified, Decision No. C84-927 shall remain as the order of the Commission.

6. This Order shall be effective nunc pro tunc as of August 21, 1984.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

André Schmidt

Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN UNION TELEGRAPH)
COMPANY FOR AUTHORITY TO PROVIDE) APPLICATION NO. 36456
INTEREXCHANGE SWITCHED VOICE)
TELECOMMUNICATIONS SERVICE ON AN)
INTERLATA BASIS IN THE STATE OF)
COLORADO.)

AT&T COMMUNICATIONS OF THE)
MOUNTAIN STATES, INC.)
Complainant,) CASE NO. 6386
MCI TELECOMMUNICATIONS CORP-)
ORATION, GTE SPRINT COMMUNICATIONS)
CORPORATION AND THE MOUNTAIN)
STATES TELEPHONE AND TELEGRAPH)
COMPANY, INC., et al.,)
Respondent.)

IN THE MATTER OF THE APPLICATION)
OF GTE SPRINT COMMUNICATIONS)
CORPORATION FOR A CERTIFICATE) APPLICATION NO. 36360
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OFFER INTERCITY TELE-)
COMMUNICATIONS SERVICES TO THE)
PUBLIC IN THE STATE OF COLORADO)
AND FOR THE ESTABLISHMENT OF)
INITIAL RATES.)

IN THE MATTER OF THE APPLICATION)
OF MCI TELECOMMUNICATIONS)
CORPORATION FOR A CERTIFICATE) APPLICATION NO. 36337
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OFFER INTRASTATE TELECOMMUNI-) COMMISSION NUNC PRO TUNC
CATIONS SERVICES TO THE PUBLIC) ORDER
IN THE STATE OF COLORADO.)

- - - - -
September 25, 1984
- - - - -

STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 28, 1984, the Commission issued Decision No. C84-948, granting Mountain Bell's petition to intervene and motion to consolidate. As pertinent to this proceeding the Commission consolidated Application No. 36456 with Case No. 6386 and Application Nos. 36360, and 36337 for hearings on joint record. On August 21, 1984, the Commission entered Decision No. C84-927 granting temporary authority to MCI Telecommuni-

cations Corporation and GTE Sprint Communications Corporation to provide intrastate inter-LATA telecommunications services. By ordering paragraph 10 contained in Decision No. C84-927 the Commission set hearings only on GTE Sprint's Application No. 36360, and MCI's Application No. 36337 for permanent authority for October 31, November 1, 2, 8, and 9, 1984, because the Commission had not yet consolidated Application No. 36456 with Case No. 6386 and Application Nos. 36360, and 36337.

The Commission states and finds that it should amend ordering paragraph 10 of Commission Decision No. C84-927, nunc pro tunc as of August 21, 1984 to provide that the hearings therein scheduled should be set for Application No. 36456, Case No. 6386, Application Nos. 36360, and 36337.

THEREFORE THE COMMISSION ORDERS THAT:

1. Ordering paragraph 10, contained in Decision No. C84-927 is amended, nunc pro tunc as of August 21, 1984, to provide:

Hearings on Application No. 36456, Case No. 6386, Application Nos. 36360, and 36337 are set for the following dates, time and place:

DATES: Wednesday, October 31, 1984
Thursday, November 1, 1984
Friday, November 2, 1984
Thursday, November 8, 1984
Friday, November 9, 1984

TIME: 10:00 a.m.

PLACE: Commission Hearing Room
Logan Tower
Office Level 2 (OL 2)
1580 Logan Street
Denver, Colorado 80203

2. This Order is effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
André Schmidt
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--------------------------------------|-----------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF LAVERNE JENKINS, DOING BUSINESS) | APPLICATION NO. 36230-Reuse |
| AS "LAVERNE JENKINS TRUCKING,") | |
| P.O. BOX 159, CAMPO, COLORADO) | INTERIM ORDER OF |
| 81029, FOR AUTHORITY TO OPERATE) | EXAMINER ROBERT E. TEMMER |
| AS A COMMON CARRIER BY MOTOR) | |
| VEHICLE FOR HIRE.) | |

September 26, 1984

STATEMENT

On June 28, 1984, Protestant Ashton Trucking Co. filed a Motion to Dismiss the application of Applicant Laverne Jenkins, doing business as Laverne Jenkins Trucking. Protestant asserts in its motion that Applicant has failed to timely prefile his list of witnesses and exhibits as required by Commission Order dated June 15, 1984. Applicant, who is pro se, did not file a response to this motion.

The official file reflects that Applicant did file his list of witnesses and exhibits with this Commission on August 14, 1984. Since, this application is being reset for hearing, the Motion to Dismiss filed by Protestant Ashton Trucking Co. should be denied.

O R D E R

THE EXAMINER ORDERS THAT:

1. The hearing date of July 24, 1984, in Springfield, Colorado, is vacated, and this application is reset for hearing as follows:

DATE: Tuesday, October 16, 1984

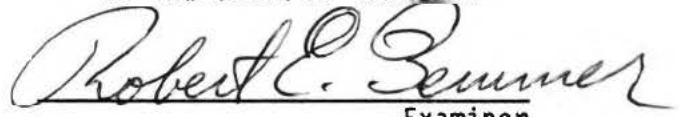
TIME: 9 a.m.

PLACE: Courtroom
Baca County Courthouse
Springfield, Colorado

2. The Motion to Dismiss filed by Protestant Ashton Trucking Co. is denied.

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc:5086c

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LOWERY & SON, INC., 6638 WELD)
COUNTY ROAD #38, JOHNSTOWN,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36375-PP

INTERIM ORDER OF
EXAMINER ROBERT E. TEMMER

September 27, 1984

STATEMENT

Protestant, McDonald Farms, Incorporated, filed a Motion for Continuance with this Commission on August 27, 1984. Sufficient grounds having been shown for said continuance, the motion should be granted.

O R D E R

THE EXAMINER ORDERS THAT:

1. The Motion for Continuance filed by Protestant, McDonald Farms, Incorporated, is granted.
2. The hearing set for Friday, September 28, 1984, in Greeley, Colorado, is vacated and reset as follows:

DATE: Tuesday, October 23, 1984

TIME: 10 a.m.

PLACE: Room 122
Weld County Courthouse
Greeley, Colorado
3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--------------------------------------|---------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF BURT GREEN, DOING BUSINESS AS) | APPLICATION NO. 36141-Extension |
| "THE MOUNTAIN MEN," 11100 EAST) | |
| DARTMOUTH, #219, AURORA, COLORADO,) | INTERIM ORDER OF |
| FOR AUTHORITY TO EXTEND OPERATIONS) | EXAMINER ROBERT E. TEMMER |
| UNDER CERTIFICATE OF PUBLIC) | |
| CONVENIENCE AND NECESSITY PUC) | |
| NO. 7010.) | |

September 28, 1984

STATEMENT

Applicant, Burt Green, doing business as the Mountain Men, filed a Motion to Vacate and Reschedule Hearing with this Commission on August 27, 1984. There being no objections to said motion, it should be granted.

O R D E R

THE EXAMINER ORDERS THAT:

1. Applicant's Motion to Vacate and Reschedule Hearing is granted.
2. The hearing date of September 26, 1984, in Denver, Colorado, is vacated, and this matter is reset as follows:

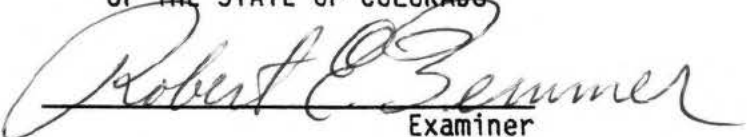
DATE: December 17, 1984

TIME: 9 a.m.

PLACE: Commission Hearing Room
1580 Logan St., OL2
Logan Tower
Denver, Colorado

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc:5088c

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF MONTOYA TRUCKING COMPANY, INC.)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 36527-PP-TA

ORDER DENYING
TEMPORARY AUTHORITY

- - - - -
September 25, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 22, 1984, Montoya Transport Company, Inc. filed Application No. 36527-PP for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of building materials between all points located in the City and County of Denver, State of Colorado, and between said points, on the one hand, and all points in Colorado, on the other hand. Restricted to providing transportation services for the following named customer only, to wit: Hardwoods, Inc., Denver, Colorado.

Proper Notice of said application has been given by the Commission on September 10, 1984.

Protests opposing a possible Commission order granting the above-captioned application have been timely filed by: Colorado-Denver/Warehouse-Delivery, Inc.; Denver-Limon-Burlington Transfer Co.; Northwest Transport Service, Inc.; and Platte Valley Freightways, Inc.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application constitutes insufficient evidence upon which the Commission might conclude that there is an immediate or urgent need for the relief herein sought.

3. There is no immediate or urgent need for the relief herein sought.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is not in the public interest and should be denied.

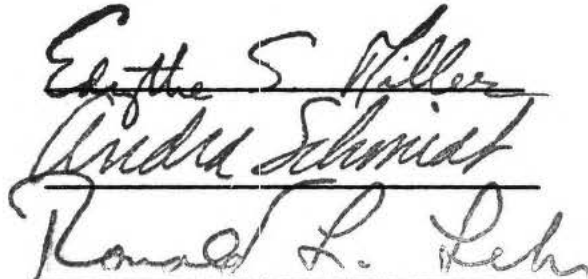
O R D E R

THE COMMISSION ORDERS:

1. This application is denied.
2. The twenty (20) day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF MICHAEL JOSEPH ANTLE, DOING)
BUSINESS AS "WALSENBURG LIMOSINE)
SERVICE," FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36523-TA

ORDER DENYING

TEMPORARY AUTHORITY

September 25, 1984

S T A T E M E N T

BY THE COMMISSION:

On August 29, 1984, Michael Joseph Antle, doing business as "Walsenburg Limosine Service," filed Application No. 36523 for temporary authority and permanent authority to conduct operations as a common carrier by motor vehicle for hire to include the transportation of passengers and their baggage -- in charter service -- between all points in the County of Huerfano, State of Colorado. Restricted to the use of vehicles manufactured by Cadillac.

Proper notice of said application was given by the Commission on September 10, 1984.

A protest opposing a possible Commission order granting this application has been timely filed by: Ralph C. Hickey, Travis D. Hickey, and Bill John Hickey, doing business as "The Panadero Connection."

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The applicant has failed to file any supporting evidence with the application upon which the Commission might conclude that an immediate urgent need exists for the relief sought.
3. There is no immediate or urgent need for the relief sought.

CONCLUSIONS ON FINDINGS FACT

Premises considered, the Commission concludes that the instant application for temporary authority is not in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

1. This application is denied.
2. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Arden Schmidt
Ronald L. Leh
Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF SOUTHWEST AIRPORTER, INC. FOR)
TEMPORARY AUTHORITY TO CONDUCT)
OPERATIONS AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36506-TA

ORDER GRANTING
TEMPORARY AUTHORITY IN PART

September 25, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 5, 1984, Southwest Airporter, Inc. filed Application No. 36506 for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage: (1) on schedule -- between Southwest Plaza Shopping Center located at South Wadsworth Blvd. and Bowles Avenue in Jefferson County and Stapleton International Airport in Denver, Colorado via Wadsworth Boulevard, Hampden Avenue, Monaco Parkway and Martin Luther King Blvd. serving all intermediate points on said routes located within Jefferson County; (2) in call and demand limousine service -- between points located in Jefferson County, State of Colorado lying south of Alameda Avenue, on the one hand, and Stapleton International Airport, in Denver, Colorado on the other hand.

Proper Notice of said Application has been given by the Commission on September 10, 1984.

Protests opposing a possible Commission order granting this application have been timely filed by: Colorado Limousine & Hearse Service, Inc. and Yellow Cab Cooperative Association.

Pursuant to CRS 40-6-120, the instant application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing a portion of the transportation services sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the public need.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority sought and is willing, ready and able to operate in accordance with all Commission Rules and Regulations Governing Common Carriers By Motor Vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the

instant application for temporary authority is in the public interest and should be granted in part.

O R D E R

THE COMMISSION ORDERS:

1. Southwest Airporter, Inc. is granted temporary authority to operate as a common carrier by motor vehicle for hire for a period of 180 days commencing as of September 26, 1984, with authority as set forth in the Appendix attached hereto.
2. Southwest Airporter, Inc. shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 15, 1984, the authority as herein authorized will be null and void.
4. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andrea Schmitt
Ronald L. Lehn
Commissioners

nej

SOUTHWEST AIRPORTER, INC.

Transportation - on schedule - of

Passengers and their baggage

Between Southwest Plaza Shopping Center located at South Wadsworth Boulevard and Bowles Avenue in Jefferson County and Stapleton International Airport in Denver, Colorado via Wadsworth Blvd., Hampden Avenue, Monaco Parkway and Martin Luther King Blvd. serving all intermediate points on said routes located within Jefferson County.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WILLIAM H. WERTZ, JR., DOING BUS-)
BUSINESS AS "TRANSPORT SPECIALITIES")
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 36524-PP-TA

ORDER DENYING
TEMPORARY AUTHORITY

- - - - -
September 25, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On July 19, 1984, William H. Wertz, Jr., doing business as "Transport Specialities," filed Application No. 36524-PP for temporary authority and permanent authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of books and bookcases between all points located in the area comprised of the Counties of Adams, Arapahoe, Boulder, Clear Creek, Crowley, Douglas, Elbert, El Paso, Fremont, Gilpin, Jefferson, Larimer, Lincoln, Logan, Morgan, Park, Pueblo, Teller, Washington, and Weld, State of Colorado. Restricted to providing transportation services for the following named customer only, to wit: Encyclopaedia Britannica, Chicago, Illinois.

Proper Notice of said application has been given by the Commission on September 10, 1984.

A protest opposing a possible Commission order granting the above-captioned application has been timely filed by: Platte Valley Freightways, Inc.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application constitutes insufficient evidence upon which the Commission might conclude that there is an immediate or urgent need for the relief herein sought.

3. There is no immediate or urgent need for the relief herein sought.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is not in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

1. This application is denied.
2. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andra Skorniat

Ronald L. Lehn

Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF CUSTOM DELIVERIES, INC. FOR)
TEMPORARY AUTHORITY TO CONDUCT)
OPERATIONS AS A CONTRACT CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36528-PP-TA

ORDER GRANTING
TEMPORARY AUTHORITY IN PART

September 25, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 4, 1984, Custom Deliveries, Inc. filed Application No. 36528-PP for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of batteries between all points located within a 20 mile radius of Colfax Avenue and Broadway in Denver, Colorado, and between said points, on the one hand, and all points in Colorado, on the other hand. Restricted to providing transportation services for the following named customer only, to wit: General Motors Corporation, Flint, Michigan.

Proper Notice of said Application has been given by the Commission on September 10, 1984.

Protests opposing a possible Commission order granting this application have been timely filed by: Denver-Salida-Leadville Freightline, Inc.; Northwest Transport Service, Inc.; and Platte Valley Freightways, Inc.

The application was subsequently amended by the Applicant on September 14, and the protests of Denver-Salida-Leadville Freightline, Inc.; and Northwest Transport Service, Inc. were withdrawn.

Pursuant to CRS 40-6-120, the instant application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing a portion of the transportation services sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's needs.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority sought and is willing, ready and able to operate in accordance with all Commission Rules and Regulations Governing Contract Carriers By Motor Vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted in part.

O R D E R

THE COMMISSION ORDERS:

1. Custom Deliveries, Inc. is granted temporary authority to operate as a contract carrier by motor vehicle for hire for a period of 180 days commencing as of September 26, 1984, with authority as set forth in the Appendix attached hereto.
2. Custom Deliveries, Inc. shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 15, 1984, the authority as herein authorized will be null and void.
4. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmitt
Ronald L. Lehn
Commissioners

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CUSTOM DELIVERIES, INC.

Transportation of

Batteries

Between all points located within a 20 mile radius of Colfax Avenue and Broadway in Denver, Colorado, and between said points, on the one hand, and all points in Colorado, on the other hand.

RESTRICTIONS:

- (a) Restricted to providing transportation services for the following named customer only, to wit: General Motors Corporation, Flint, Michigan;
- (b) Restricted against providing transportation services to or from points located in the Counties of Morgan, Logan, Phillips, and Sedgwick, State of Colorado; and
- (c) Restricted to the use of single axle trailers equipped with overhead side doors.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|------------------------------------|
| IN THE MATTER OF THE APPLICATION |) | APPLICATION NO. 36504-Extension-TA |
| OF BOULDER AIRPORTER, INC. FOR |) | |
| TEMPORARY AUTHORITY TO EXTEND |) | ORDER DENYING |
| OPERATIONS UNDER CERTIFICATE OF |) | |
| PUBLIC CONVENIENCE AND NECESSITY |) | TEMPORARY AUTHORITY |
| PUC NO. 13348. |) | |

September 25, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 5, 1984, Boulder Airporter, Inc. filed Application No. 36504 for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 13348 to include the transportation -- in charter service -- of passengers and their baggage between points in Arapahoe County, State of Colorado, on the one hand, and all points in the State of Colorado, on the other hand.

Proper notice of said application was given by the Commission on September 10, 1984.

Protests opposing a possible Commission order granting this application have been timely filed by: Trailways Bus System, Inc.; Colorado Charter Lines, Inc.; Colorado Limousine & Hearse Service, Inc.; Donald and Sandra Samford, doing business as "Steamboat Taxi;" Greeley Commuter System, Ltd.; Burt Green, doing business as "The Mountain Men"; Yellow Cab Cooperative Association; and Summit Taxi Service, Inc.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application constitutes insufficient evidence upon which the Commission might conclude that there is an immediate or urgent need for the relief sought.
3. There is no immediate or urgent need for the relief sought.

CONCLUSIONS ON FINDINGS FACT

Premises considered, the Commission concludes that the instant application for temporary authority is not in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

1. This application is denied.
2. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
André Schmutz
Ronald L. Lehn
Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF PONY EXPRESS COURIER CORPORATION)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-958 & I.)

APPLICATION NO. 36522-PP-Extension-TA

ORDER GRANTING
TEMPORARY AUTHORITY

September 25, 1984

S T A T E M E N T

BY THE COMMISSION:

On August 23, 1984, Pony Express Courier Corporation filed Application No. 36522-PP for temporary authority to extend operations under Contract Carrier Permit No. B-958 & I to include the transportation of laboratory specimens, laboratory reports, related correspondence, papers, blood and blood components, between all points in the State of Colorado. Restricted to rendering transportation services for the following-named customer only, to wit: Roche Biomedical Laboratories, Inc., Denver, Colorado.

Proper Notice of said application has been given by the Commission on September 10, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's needs.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Pony Express Courier Corporation is granted temporary authority for a period of 180 days commencing as of September 26, 1984, with authority as set forth in the Appendix attached hereto.
2. Pony Express Courier Corporation shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 15, 1984 the authority as herein authorized will be null and void.
4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Audrey Schmitt
Ronald L. Lehn
Commissioners

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APPENDIX
Decision No. C84-1090
September 25, 1984

PONY EXPRESS COURIER CORPORATION

Transportation -- of

Laboratory specimens, laboratory reports, related correspondence, papers,
blood and blood components

Between all points in the State of Colorado.

RESTRICTION:

Restricted to providing transportation services for the following named
customer only, to wit: Roche Biomedical Laboratories, Inc., Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|--------------------------------------|---------------------------------------|
| IN THE MATTER OF THE APPLICATION OF) | APPLICATION NO. 36518-PP-Extension-TA |
| DANIEL T. KINSELLA, DOING BUSINESS) | |
| AS "KINSELLA CARTAGE," FOR TEMPOR- | ORDER GRANTING |
| ARY AUTHORITY TO EXTEND OPERATIONS) | |
| UNDER CONTRACT CARRIER PERMIT) | TEMPORARY AUTHORITY |
| NO. B-9101. | |

- - - - -
September 25, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 29, 1984, Daniel T. Kinsella, doing business as "Kinsella Cartage," filed Application No. 36518-PP for temporary authority, and permanent authority to extend operations under Contract Carrier Permit No. B-9101 to include the transportation of foodstuffs from all points in the Counties of Denver, Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, and Weld, State of Colorado, to the facilities of Sharoff Food Services, Inc., Denver, Colorado. Restricted to providing transportation services for the following named customer only, to wit: Sharoff Food Services, Inc., Denver, Colorado.

Proper Notice of said application has been given by the Commission on September 10, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's needs.
3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Daniel T. Kinsella, doing business as "Kinsella Cartage," is granted temporary authority for a period of 180 days commencing as of September 26, 1984, with authority as set forth in the Appendix attached hereto.

2. Daniel T. Kinsella, doing business as "Kinsella Cartage," shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

3. Unless Applicant meets all of the requirements indicated above on or before October 15, 1984 the authority as herein authorized will be null and void.

4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andru Schmidt

Ronald L. Lehn

Commissioners

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APPENDIX
Decision No. C84-1091
September 25, 1984

DANIEL T. KINSELLA
DOING BUSINESS AS

Transportation - of

FOODSTUFFS

From all points located in the Counties of Denver, Adams, Arapahoe, Jefferson, Boulder, Douglas, Larimer, Weld, and El Paso, State of Colorado to the facilities of Sharoff Food Services, Inc. in Denver, Colorado.

RESTRICTION:

Restricted to providing transportation services for the following named customer only, to wit: Sharoff Food Services, Inc., Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF JOHN A. & BEVERLY Z. REESE,)
DOING BUSINESS AS "J & B DELIVERY)
SERVICE," FOR TEMPORARY AUTHORITY)
TO CONDUCT OPERATIONS AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36511-PP-TA

ORDER GRANTING

TEMPORARY AUTHORITY

September 25, 1984

S T A T E M E N T

BY THE COMMISSION:

On August 31, 1984, John A. and Beverly Z. Reese, doing business as "J & B Delivery Service," filed Application No. 36511-PP for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of small parcels not to exceed 100 pounds in weight into and out of Weld and Larimer Counties; on the one hand, and the facilities of Digital Equipment in Colorado Springs, Colorado, on the other hand. Restricted to providing transportation services for the following named customer only, to wit: Digital Equipment Corporation, Colorado Springs, Colorado.

Proper Notice of said application has been given by the Commission on September 10, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's needs.
3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. John A. & Beverly Z. Reese, doing business as "J & B Delivery Service," is granted temporary authority for a period of 180 days commencing as of September 26, 1984, with authority as set forth in the Appendix attached hereto.
2. John A. & Beverly Z. Reese, doing business as "J & B Delivery Service," shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 15, 1984 the authority as herein authorized will be null and void.
4. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Audrey Schmidt
Ronald L. Lehn
Commissioners

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APPENDIX
Decision No. C84-1092
September 25, 1984

JOHN A. & BEVERLY Z. REESE
DOING BUSINESS AS
J & B DELIVERY SERVICE

Transportation - of

Small parcels not to exceed 100 pounds in weight between points located in Weld and Larimer Counties, State of Colorado on the one hand, and the facilities of Digital Equipment Corporation located in Colorado Springs, Colorado on the other hand.

RESTRICTION:

Restricted to rendering transportation services for the following named customer only, to wit: Digital Equipment Corporation, Colorado Springs, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF TRANS MOUNTAIN MANAGEMENT, INC.)
DOING BUSINESS AS "MELLOW YELLOW)
TAXI COMPANY," FOR TEMPORARY)
APPROVAL TO LEASE CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 20490 PENDING DETERMINATION)
OF THE APPLICATION TO LEASE SAID)
CERTIFICATE FROM L. J. ANDERSEN &)
LUCILLE R. ANDERSEN, DOING BUSINESS)
AS "GLENWOOD TAXI COMPANY.")

APPLICATION NO. 36532-Lease-TA
ORDER GRANTING
TEMPORARY APPROVAL

- - - - -
September 25, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 5, 1984, Trans Mountain Management, Inc. doing business as "Mellow Yellow Taxi Company," filed Application No. 36532 for temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 20490 pending Commission consideration of the related permanent application to lease said Certificate from L. J. Andersen and Lucille R. Andersen, doing business as "Glenwood Taxi Company."

Proper Notice of said Application was given by the Commission on September 10, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary approval is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary approval if it appears that failure to grant such temporary approval may result in destruction of or injury to such carrier or carrier properties.
2. Failure to grant temporary approval may result in destruction of, or injury to the carrier or carrier properties sought to be leased, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.
3. The Lessee has adequate equipment and financial resources to commence immediate service to the public within the scope of the authority as set forth in the caption above and to continue such service pending determination of the related application for the lease of the certificate.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary approval is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Trans Mountain Management, Inc. doing business as "Mellow Yellow Taxi Company," is granted temporary approval for a period of 165 days commencing on September 26, 1984, to engage in the business of transportation by motor vehicle for hire to the extent of the authority granted by this Commission under Certificate of Public Convenience and Necessity PUC No. 20490.

2. Trans Mountain Management, Inc. doing business as "Mellow Yellow Taxi Company," shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

3. Unless Applicant meets all of the requirements indicated above on or before October 15, 1984, the authority as herein authorized will be null and void.

4. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andrea Skynias
Ronald L. Lehn
Commissioners

nej

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|------------------------------------|---|------------------------------|
| RE: IN THE MATTER OF THE |) | INVESTIGATION AND SUSPENSION |
| INVESTIGATION AND SUSPENSION OF |) | DOCKET NO. 1646 |
| THE TARIFF SHEETS ACCOMPANYING |) | |
| ADVICE LETTER NO. 6, FILED BY |) | ORDER OF THE COMMISSION |
| UNION TELEPHONE COMPANY, TARIFF |) | FURTHER SUSPENDING EFFECTIVE |
| COLORADO P.U.C. NO. 2 - TELEPHONE. |) | DATE OF TARIFF |

September 25, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Ordering Paragraph No. 3, in Decision No. C84-626, dated May 3, 1984, the effective date of the tariff sheets filed by Union Telephone Company, on May 3, 1984, pursuant to its Advice Letter No. 6 dated May 3, 1984, was suspended for 120 days, until September 29, 1984, or until further order of the Commission.

The Commission finds that its consideration of this matter will not be completed before September 29, 1984, and it is therefore necessary to suspend the effective date of the above-described tariffs for an additional 90 days, or until further order of the Commission.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The effective date of the tariff sheets filed by Union Telephone Company, of May 3, 1984 pursuant to its Advice Letter No. 6, dated May 3, 1984 is, further suspended for 90 days until December 28, 1984, or until further order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene S. Miller
André Schmitt
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|--------------------------------------|-----------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF TRANS-COLORADO PIPELINE COMPANY) | APPLICATION NO. 36543 |
| FOR AN ORDER AUTHORIZING IT TO) | |
| EFFECT CERTAIN UPWARD REVISIONS IN) | ORDER OF THE COMMISSION |
| GAS RATES UPON LESS THAN STATUTORY) | AUTHORIZING UPWARD REVISION |
| NOTICE.) | OF GAS RATES |

- - - - -
September 25, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 12, 1984, Trans-Colorado Pipeline Company, Applicant herein, filed the within verified application. Said application seeks an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 2, 1984, tariffs resulting in an increase to its existing natural gas rates now on file with this Commission. Applicant states that its proposed increase in rates is to reflect its increased cost of gas purchased from its suppliers, a number of wellhead producers, and to pass on to Applicant's customers such increased costs to purchase natural gas for resale.

The proposed tariffs, which are attached to the application herein, affect the only customer of Applicant, Rocky Mountain Natural Gas Company, Inc.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from a number of wellhead producers.
3. This Commission has no jurisdiction over the wholesale rates of wellhead producers, but it does expect applicant to negotiate the lowest prices for supplies of natural gas that are consistent with provisions of the Natural Gas Policy Act of 1978 (Public Law 96-621) and applicable Federal Regulations or determinations made thereunder.
4. Applicant certifies that each producers, from whom gas is purchased under this application, has filed any necessary affidavits fulfilling filing requirements of Federal Energy Regulatory Commission (FERC) through the appropriate jurisdictional state or federal agency whose plan has been accepted for certifying eligibility by the FERC under the Natural Gas Policy Act governing the maximum price of gas.
5. During the month of August, 1984, Applicant's suppliers increased their wholesale rates to Applicant by approximately \$95,935 based upon volumes purchased by Applicant for the month of August, 1984.
6. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will increase annual revenues by \$95,935, which is an increase of 1.17%.

7. If the increase herein is approved, Applicant's rate of return on rate base will be 7.46% and rate of return on equity will be 5.19%. Without the increase Applicant's rate of return on rate base would be 5.28% and its rate of return on equity would be 1.44%.

8. The increase in rates proposed by Applicant substantially will recover only Applicant's increased cost of gas.

9. The filing of this application was brought to the attention of Applicant's affected customers by service of a copy of said application on its only customer, Rocky Mountain Natural Gas Company, Inc.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

11. For each day on and after October 2, 1984, that Applicant's proposed tariffs are not in effect, Applicant will have to absorb an unrecovered gas cost increase of \$263.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1. A. of the Rules of Practice and Procedure before this Commission.

2. For any period of time on or after October 2, 1984, that Applicant is denied a pass-on of its increased costs, Applicant's annual rate of return would fall below its authorized reasonable rate of return and Applicant would have to absorb gas cost increases.

3. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. Trans-Colorado Pipeline Company is authorized to file on not less than one day's notice, the tariffs attached hereto as Appendix "A" and made a part hereof, which tariffs shall be effective for purchased gas cost billings made on or after the effective date thereof.

2. In the event it is determined by the Federal Energy Regulatory Commission that applicable rates pursuant to the Natural Gas Policy Act are less than those upon which the increase herein authorized in ordering paragraph 1 are based Trans-Colorado Pipeline Company shall forthwith notify the Commission in writing of said facts and shall file appropriate tariffs to reduce those rates to its customers and/or shall file with the Commission within thirty (30) days notice after receipt of any refund from its wellhead suppliers an application for an order of the Commission for disposition of the total amount of said refund received by it.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmitt
Ronald L. Lehn
Commissioners

TRANS-COLORADO PIPELINE COMPANY

APPENDIX A

Sheet No. 6

Cancels

Sheet No. 6

PURCHASED GAS ADJUSTMENT PROVISION

Seller's interim rate schedule A-1 is subject to a purchased gas adjustment provision to reflect increases in the cost of gas purchased from Seller's suppliers above the commodity charge level set forth on Fourth Revised Sheet No. 4. The purchased gas adjustment applicable to deliveries to Buyer in any month shall be calculated by adding the month's purchased gas cost, the gathering fee, less the liquid gas sales, less the commodity charge set forth on Fourth Revised Sheet No. 4 calculated for the volumes delivered to Buyer during that month. The resultant dollar figure shall be divided by volumes delivered by Seller to Buyer during that month in order to arrive at a charge per Mcf.

Purchased Gas Adjustment \$.472447

Advice Letter
Number

Decision
Number C84-1095

Jerry M. Jones
PRESIDENT
Issuing Officer

Issue
Date

Effective
Date

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|-----------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF CENTEL CORPORATION, SOUTHERN |) | APPLICATION NO. 36090 |
| COLORADO POWER OPERATING UNIT |) | (FCA 9-84) |
| FOR AUTHORITY TO PLACE INTO |) | |
| EFFECT FUEL COST ADJUSTMENT. |) | |

September 25, 1984

STATEMENT AND FINDINGS OF FACT

1. Applicant is Centel Corporation, Southern Colorado Power Operating Unit.
2. Address of Applicant is 115 West Second Street, Pueblo, Colorado 81003.
3. Applicant has incurred increased fuel costs of \$.001172/kwh for a period beginning August 1, 1984 and ending August 31, 1984.
4. Applicant desires to place into effect, on not less than one (1) day's notice, the tariff attached hereto as Appendix A to reflect said increased cost.
5. Applicant will not exceed its last authorized rate of return by virtue of the fact the tariff attached hereto as Appendix A is placed into effect.
6. Foregoing is verified by Kenneth A. Grobe, Colorado State Vice President.
7. Computation of fuel cost adjustment factor is attached hereto as Appendix B.

C O N C L U S I O N

Granting of the within Application is in the public interest.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 36090 (FCA 9-84) is approved and Centel Corporation, Southern Colorado Power Operating Unit is authorized to place into effect the tariff attached to the herein Application as Appendix A, on not less than one (1) day's notice.
2. Application No. 36090 (FCA 9-84) is subject to such further order or orders of the Commission as may be appropriate.
3. Rule 18 A 5 is waived herein.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andra Schmidt

Ronald L. Lehn

Commissioners

APPENDIX A

CENTEL CORPORATION
Southern Colorado PowerColo. PUC No. 4

APPENDIX A

cancels

Fifty-seventh Revised Sheet No. 35-AFifty-sixth Revised Sheet No. 35-A

FUEL ADJUSTMENT

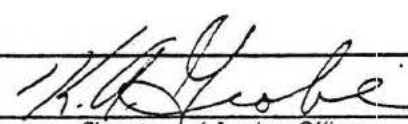
FUEL COST ADJUSTMENT DATA

UNDER COLORADO P.U.C. NO. 4

SECOND REVISED SHEET NO. 35

| | |
|---|-----------------|
| Fuel Cost Month | August |
| Fuel Cost | \$ 1,122,090.67 |
| Purchased Power FCA | \$ 71,130.00 |
| Base Price Adjustment | (\$ 804,413.35) |
| Total Adjusted Fuel Cost | \$ 388,807.32 |
| Estimated E.O.M., October 1984 kWh Sales | 78,077,000 |
| FCA Adjustment/kWh | \$.004980 |
| Applied to Bills Beginning September 27, 1984 | |

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____  Issue Date September 14, 1984
Decision or _____
Authority No. C84-1096 Vice President Effective Date _____

CENTEL CORPORATION

Southern Colorado Power

FUEL CLAUSE ADJUSTMENT REPORT

| APPLICABLE TO ENERGY DELIVERED TO CUSTOMERS DURING THE MONTH OF <u>October, 1984</u> BEGINNING WITH CYCLE NUMBER ONE BASED ON <u>August</u> 19 <u>84</u> FUEL CHARGES | | |
|---|---|-------------------|
| RATE SCHEDULE | FUEL USED PRECEDING MONTH | ADJUSTMENT KWH |
| | | |
| ALL RATES COLORADO PUC #4 | WEIGHTED AVERAGE FUEL COST FOR THE MONTH OF <u>October</u> 1984 | \$.004980 |
| | | |
| RATE SHEET #254 | CITY OF LA JUNTA 231.962c per million B.T.U. | .0431924 |

SOUTHERN COLORADO POWER

COMPUTATION OF FUEL CLAUSE ADJUSTMENT

Month of October 19 84
Based on August 19 84 Fuel Charges

| COST OF FUEL CONSUMED | | COST | ADJUSTED FUEL COST |
|---|--------------|---|-----------------------|
| A/C 501 | COAL | \$ 401,485.68 | |
| | GAS | 719,928.10 | |
| | REFUSE | 1,338.89 | |
| | #2 DIESEL | | |
| | #6 OIL | | |
| A/C 547 - #2 DIESEL | | | |
| TOTAL | | \$ 1,122,752.67 | |
| KILOWATTHOURS GENERATED (NET) | | | |
| PLANT - CANON CITY | | 24,344,200 | |
| | PUEBLO | 8,415,000 | |
| | ROCKY FORD | 3,288,900 | |
| TOTAL | | 36,048,100 | |
| ADJUSTMENT FACTOR | | | |
| KILOWATTHOURS | 36,048,100 | X <u>BASE PRICE</u> <u>.022315</u> .020833 | \$ 804,413.35 |
| INCREASE / DECREASE | | | \$ 318,339.32 |
| EXCESS / DEFICIENT FCA RECOVERY | | | |
| (1) | June 19 84 | ACTUAL FUEL COSTS | \$ 327,830.47 |
| (2) | August 19 84 | FCA RECOVERED | \$ 328,492.47 |
| EXCESS / DEFICIENT OF FUEL COSTS RECOVERED | | | \$ (662.00) |
| PURCHASED POWER - FUEL ADJUSTMENT | | | |
| KILOWATTHOURS | 56,904,000 | X <u>.00125</u> | \$ 71,130.00 |
| TOTAL | | | \$ 388,807.32 |

FUEL CLAUSE ADJUSTMENT

| | | | |
|---|-----------------------------|-------------------|------------|
| TOTAL ADJUSTED FUEL COST | | \$ 388,807.32 | \$.004980 |
| EOM ESTIMATED RETAIL KILOWATT- HOUR SALES MONTH OF | <u>October</u> 19 <u>84</u> | <u>78,077,000</u> | |

- (1) Two months previous fuel costs
(2) Current month recovered fuel costs

APPENDIX B

Decision No. C84-1096

APPENDIX B
PAGE 3 OF 5CENTEL CORPORATION
SOUTHERN COLORADO POWER

FUEL CLAUSE

| | | |
|---------|------|------------------------|
| August | 1984 | Fuel Costs |
| October | 1984 | Fuel Clause Adjustment |

METHOD OF CALCULATING THE WEIGHTED AVERAGE COST PER MILLION B. T. U. WHEN BURNING
COAL, GAS, REFUSE, OIL AND DIESEL OILCANON CITY COAL

| | |
|------------------------|---------------|
| TONS OF COAL BURNED | 14,171.75 |
| AVERAGE B.T.U. PER LB. | 11,084 |
| MILLIONS OF B.T.U. | 314,159 |
| TOTAL COST | \$ 401,485.68 |

PUEBLO GAS

| | |
|--------------------|---------------|
| MCF GAS BURNED | 135,883.6 |
| B.T.U. PER CU. FT. | 874 |
| MILLIONS OF B.T.U. | 118,762 |
| TOTAL COST | \$ 506,469.37 |

ROCKY FORD GAS

| | |
|--------------------|---------------|
| MCF GAS BURNED | 56,954.0 |
| B.T.U. PER CU. FT. | 868 |
| MILLIONS OF B.T.U. | 49,436 |
| TOTAL COST | \$ 213,458.73 |

PUEBLO DIESEL

| | |
|---------------------|----|
| GALS. OF OIL BURNED | |
| B.T.U. PER GAL. | |
| MILLIONS OF B.T.U. | |
| TOTAL COST | \$ |

CANON CITY REFUSE

| | |
|------------------------|-------------|
| TONS BURNED | 208.55 |
| AVERAGE B.T.U. PER LB. | 4,000 |
| MILLIONS OF B.T.U. | 1,668 |
| TOTAL COST | \$ 1,338.89 |

PUEBLO STANDBY OIL

| | |
|---------------------|----|
| GALS. OF OIL BURNED | |
| B.T.U. PER GAL. | |
| MILLIONS OF B.T.U. | |
| TOTAL COST | \$ |

ROCKY FORD STANDBY OIL

| | |
|--------------------|----|
| GALS OF OIL BURNED | |
| B.T.U. PER GAL | |
| MILLIONS OF B.T.U. | |
| TOTAL COST | \$ |

ROCKY FORD DIESEL

| | |
|---------------------|----|
| GALS. OF OIL BURNED | |
| B.T.U. PER GAL. | |
| MILLIONS OF B.T.U. | |
| TOTAL COST | \$ |

CENTEL CORPORATION
SOUTHERN COLORADO POWER

FUEL CLAUSE

FUEL COST SUMMARY

| | | |
|---------|-------|------------------------|
| August | 19 84 | Fuel Costs |
| October | 19 84 | Fuel Clause Adjustment |

WEIGHTED AVERAGE COST PER MILLION B.T.U

| | COST PER MILLION B.T.U. | MILLION B.T.U. | COST |
|---------------------------------------|-------------------------|----------------|-----------------|
| COAL - CANON PLANT | 127.797 | 314,159 | \$ 401,485.68 |
| REFUSE - CANON PLANT | 80.269 | 1,668 | \$ 1,338.89 |
| GAS - PUEBLO PLANT | 426.457 | 118,762 | \$ 506,469.37 |
| STANDBY OIL - PUEBLO PLANT | | | \$ |
| GAS - ROCKY FORD PLANT | 431.788 | 49,436 | \$ 213,458.73 |
| STANDBY OIL - ROCKY FORD PLANT | | | \$ |
| DIESEL OIL - PUEBLO PEAKING PLANT | | | \$ |
| DIESEL OIL - ROCKY FORD PEAKING PLANT | | | \$ |
| TOTAL | 231.962 | 484,025 | \$ 1,122,752.67 |

COST PER MILLION B.T.U.

$$\text{COST} \div \text{MILLION B.T.U.} = \text{COST PER MILLION B.T.U.}$$

| | | |
|-----------------------------------|-----------|------------------|
| | | CITY OF LA JUNTA |
| \$ 1,122,752.67 | ÷ 484,025 | = 231.962 |
| ALLOWABLE COST PER MILLION B.T.U. | | 16.000 |
| ADJUSTMENT BASE | | 215.962 |
| ADJUSTMENT PER EACH ONE CENT | | .0002 |
| FUEL ADJUSTMENT PER K.W.H. BILLED | \$ | .0431924 |

CENTEL CORPORATION
SOUTHERN COLORADO POWER

COMPUTATION OF CHANGE IN FUEL CLAUSE ADJUSTMENT

October 19 84 Fuel Clause Adjustment

| | | | |
|---|--------------|------------|----------------------|
| <u>August</u> | <u>19 84</u> | FUEL COSTS | \$ <u>388,807.32</u> |
| <u>July</u> | <u>19 84</u> | FUEL COSTS | <u>336,112.21</u> |
| INCREASE / DECREASE FUEL COSTS | | | \$ <u>52,695.11</u> |

| | | | |
|---|--------------|-----------------------------|-------------------|
| <u>August</u> | <u>19 84</u> | FUEL COST PER KILOWATT HOUR | \$ <u>.004980</u> |
| <u>July</u> | <u>19 84</u> | FUEL COST PER KILOWATT HOUR | <u>.003808</u> |
| INCREASE / DECREASE COST PER KILOWATT HOUR | | | \$ <u>.001172</u> |

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|------------------------------------|---|------------------------------|
| RE: PROPOSED INCREASED RATES AND |) | |
| CHARGES FOR THE TRANSPORTATION OF |) | |
| NEWSPAPERS AND FILM BETWEEN DENVER |) | INVESTIGATION AND SUSPENSION |
| AND POINTS IN THE STATE OF |) | DOCKET NO. 1647 |
| COLORADO, FILED BY NEWS AND FILM |) | |
| SERVICE, INC. IN ITS INDIVIDUAL |) | ORDER OF THE COMMISSION |
| TARIFF COLORADO PUC NO. 24, |) | FURTHER SUSPENDING EFFECTIVE |
| SCHEDULED TO BECOME EFFECTIVE |) | DATE OF TARIFF |
| MAY 31, 1984. |) | |
| ----- | | |

September 25, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Ordering Paragraph No. 3 in Decision No. C84-636, dated May 30, 1984, the effective date of News and Film Service, Inc. Individual Tariff Colorado PUC No. 24 was suspended for 120 days, until September 27, 1984, or until further order of the Commission.

The Commission finds that inasmuch as its consideration of this matter will not be completed before September 27, 1984, it is necessary to suspend the effective date of the above-mentioned tariff for an additional ninety days, or until further order of the Commission.

O R D E R

THE COMMISSION ORDERS:

1. That the effective date of News and Film Service, Inc. Individual Tariff Colorado PUC No. 24 is further suspended for ninety days until December 26, 1984, or until further order of the Commission.

2. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Lynda Schmidt
Ronald L. Lehn
Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|---------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF THE MOUNTAIN STATES TELEPHONE) | APPLICATION NO. 36247 |
| AND TELEGRAPH COMPANY TO OBTAIN) | |
| AUTHORIZATION FOR THE TRANSFER) | INTERIM ORDER OF |
| OF CERTAIN ASSETS ASSOCIATED WITH) | EXAMINER ROBERT E. TEMMER |
| DIRECTORY ADVERTISING.) | |

September 26, 1984

Appearances: Coleman M. Connolly, Esq., Denver,
Colorado, for Mountain States
Telephone and Telegraph Company;

Dudley P. Spiller, Jr., Esq., Denver,
Colorado, for the Colorado Municipal
League;

Anthony Marquez, Esq., Denver,
Colorado, for the Office of Consumer
Counsel;

Jeffrey C. Pond, Esq., and
J. Walter Hyer III, Esq., Denver,
Colorado, for U.S. West Direct;

Valerie McNevin-Peterson, Assistant
Attorney General, Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

The Colorado Municipal League, hereinafter referred to as "League," filed a Motion to Compel Discovery on September 19, 1984, asking that this Commission enter an order compelling U.S. West Direct Company, hereinafter referred to as "U.S. West Direct," to answer certain discovery requests made during a deposition taken on September 10, 1984. The Commission issued its Decision No. C84-1069 on September 21, 1984, which ordered that the Motion to Compel Discovery filed by the League be heard on Monday, September 24, 1984, at 2 p.m., in a Commission Hearing Room, in Logan Tower, Office Level 2, 1580 Logan Street, Denver, Colorado. That Decision also ordered that responses to the motion, if any, be filed on or before September 24, 1984, at 2 p.m.

U.S. West Direct filed its Motion to Quash or to Limit the Scope of a Discovery Subpoena on September 24, 1984. Prior to the hearing, U.S. West Direct also filed its Motion for Leave to Enter Limited Appearance and its Response to the Motion to Compel filed by the League. The Motion to Enter Limited Appearance was granted as a preliminary matter at the hearing, which was held at the time and place specified in Decision No. C84-1069. The League was granted to 11 a.m., September 25, 1984, within which to file its response to the Motion to Quash or Limit Scope of Discovery Subpoena filed by U.S. West Direct. Such response was timely received by the Commission.

At the hearing, it was agreed that a protective order previously entered by the Commission is applicable to anything produced at the deposition being discussed, and a request was made and agreed to that the Examiner read the transcript of the deposition. It was also agreed at the hearing that the witness and the attorneys could all be available on October 3, 1984, at the offices of the League for a continuation of the deposition, if necessary, and that the attorney for U.S. West Direct would be available for consultation on October 1, 1984, if necessary. It was also agreed that the parties would attempt to establish an earlier date.

The application on file in this proceeding states that Landmark Publishing Company is a wholly-owned subsidiary of U.S. West, and that U.S. West Direct is a wholly-owned subsidiary of Landmark Publishing Company. The application also identifies U.S. West as the shareholder of Mountain States Telephone and Telegraph Company. The Mountain States Telephone and Telegraph Company is the Applicant in this proceeding. The Commission, in Decision No. C84-960, denied a Motion to Join U.S. West Direct and Landmark Publishing Company as Indispensable Parties. The Commission found it did not have jurisdiction over these companies. U.S. West Direct, to whom the Motion to Compel under consideration here is directed, is not a party to this proceeding.

The Subpoena Duces Tecum which was issued by this Commission, and which is being considered here, was directed to "U.S. West Direct and its designee(s)," and directed that the following matters be brought:

- "1. Financial data and projections for the years 1984-1994 showing anticipated profits to U.S. West Direct and Landmark Publishing Company as a result of the transfer of assets that is the subject of Application No. 36247.
 - a. All assumptions underlying these projected results must be provided.
2. The following information with reference to U.S. West Direct and Landmark Publishing Company:
 - a. The net book value of stock on a per share basis;
 - b. The number of outstanding shares of stocks;
 - c. Copies of work papers showing the derivation of net book value;
 - d. Copies of balance sheets and income statements for 1983 and 1984.
3. The number of employees in the U.S. West Direct/Landmark Publishing Company work force.
 - a. The number of said employees attributable to Colorado intrastate operations."

U.S. West Direct attached to its Response to the Motion to Compel letters its attorney had written and served on the attorney for the League. The letter of September 7, 1984, states the objections that U.S. West Direct had to providing information specified in the subpoena.

During the course of the deposition conducted on September 10, 1984, the designee of U.S. West Direct, pursuant to instructions from the

attorney for U.S. West Direct, refused to provide certain documents and refused to answer certain questions. As a result thereof, the League filed the Motion to Compel.

Each side argues that the other side has not proceeded appropriately. The League argues that U.S. West Direct should simply have provided all the information and stated its objections on the record. U.S. West Direct argues that the League probably should have complied with Rule 121 of the Colorado Rules of Civil Procedure rather than filing a Motion to Compel. This Commission has held that Rule 121 is not applicable to the proceedings of this Commission. Since U.S. West Direct is not a party to this proceeding, it may only be required to produce documents and records pursuant to a subpoena duces tecum rather than by a notice to produce. Rule 45, C.R.C.P. provides the procedure to be followed in connection with subpoenas. Said rule provides that if written objections to inspection or copying of designated materials is given to the attorney having the subpoena issued, that the party serving the subpoena is not entitled to inspect and copy the materials except pursuant to the terms of an order from the Court, in this case the Commission, which issued the subpoena. The party having the subpoena served can move for an order on notice requiring the production of the documents. Rule 45(d)(1) C.R.C.P. Therefore, in this case, both parties acted correctly. U.S. West Direct served written objections prior to the deposition and did not produce the materials at the deposition as it was at liberty to do. The League then filed a Motion to Compel as it was also at liberty to do.

The question now becomes whether or not the objections stated are proper.

The test to be applied in ruling upon a motion to quash or modify a subpoena is whether or not the subpoena is unreasonable and oppressive. The test to be applied to determine whether a matter is discoverable is that any matter not privileged which is relevant to the subject matter involved in the pending application is discoverable so long as the information sought appears reasonably calculated to lead to the discovery of admissible evidence, whether or not the particular item sought to be discovered is itself admissible in evidence or not. Protective orders can be granted regarding discovery requests if it is found that the particular request is an annoyance, an embarrassment, oppressive, or unduly burdensome and expensive.

This Commission issued its Decision No. C84-1068 on September 21, 1984, which Decision ruled on the Applicant's request to file an amended application. That Decision on page 3, contains the following statements:

"Basically, the Commission must determine whether or not conceptually the transfer of assets from Mountain Bell to U.S. West Direct in connection with directory advertising is in the public interest and should be approved. If an affirmative determination of that issue is made by the Commission, it is also necessary for the Commission to determine whether the particular dollar value of the asset transferred is reasonable. A possible third determination may involve whether or not conditions should be imposed upon the transfer of assets.

So that there can be no misunderstanding, the Commission desires to state that Mountain Bell and the parties shall proceed both in the hearings on the original

application and in the hearings on the amended application to examine the impact in the structural separation on Mountain Bell's 1984 results."

In Paragraph 4 of the Order in that Decision, the Commission stated:

"Both with respect to the original application filed by Mountain States Telephone and Telegraph Company and with respect to its amended application, Mountain States Telephone and Telegraph Company and other parties shall examine the impact of the structural separation resulting from the transfer of certain assets associated with the publishing of directories upon the financial results accruing to Mountain Bell for the year 1984."

It should also be noted that Rule 30 C.R.C.P. provides that when a corporation is named as a deponent the corporation shall designate one or more officers, etc., to testify, and those persons shall testify to matters known or reasonably available to the corporation.

With all of the above in mind, financial projections would be related to whether or not the particular dollar value of the asset transferred is reasonable and would also be related to the impact of the separation on the financial results accruing to the Applicant for the year 1984. The record establishes that U.S. West Direct has projections through 1988, and since they would be within the scope of discovery they should be produced. The subpoena asks for projections through 1994. To the extent it seeks information beyond 1988, it is unreasonable and oppressive and should be quashed.

The League also suggests that U.S. West Direct failed to comply with its subpoena by failing to bring all of the assumptions for the projections. The record establishes that the assumptions are not a separate document. If the League wishes to explore the assumptions contained in the projections it may need to take the depositions of additional witnesses. The designated witness only has to testify to matters known to the corporation or reasonably available to the organization. This does not mean that a non-party corporation that is being deposed has to make special studies and incur the time and expense associated therewith. Such requirements would be unreasonable and oppressive. A witness should only be required to give information reasonably available, and, in this case, since it appears the assumptions were not reduced to writing in a document, the witness need only give names of those persons involved in the projections which would have knowledge of the assumptions used.

The League also suggests that U.S. West direct should be required to produce information about Landmark Publishing Company. It has been held that the request of information and data from a witness which is available from other documents or sources equally available to the party taking the deposition is oppressive because it causes that witness to do the investigative work of the party. If the League desires information concerning Landmark Publishing Company, the procedure is available to the League to take the deposition of Landmark Publishing Company. U.S. West Direct has to obtain its information about Landmark Publishing Company from it. Therefore, it appears that it would be unreasonable and oppressive to require U.S. West Direct to provide information to the League concerning Landmark Publishing Company which the League can obtain directly from Landmark Publishing Company.

An appropriate Order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. The Motion to Compel Discovery filed by the Colorado Municipal League on September 19, 1984, is granted to the extent that U.S. West Direct shall produce those documents incorporated in Category 1 of the Subpoena Duces Tecum issued by this Commission on the 17th day of August 1984, for the years 1984 through 1988, and only such information as relates to U.S. West Direct. U.S. West Direct shall be prepared to state the names of its employees who may have knowledge concerning assumptions underlying projected results.

2. The Subpoena Duces Tecum referred to in Ordering Paragraph 1 hereof shall be modified to the extent that it shall only relate in Categories 1, 2 and 3 to information concerning U.S. West Direct. To the extent said Subpoena Duces Tecum purports to require U.S. West Direct to produce information concerning Landmark Publishing Company and to the extent Category No. 1 purports to require U.S. West Direct to produce projections beyond 1988, said subpoena is quashed and is of no further force in that regard.

3. The request for the award of attorney's fees and costs contained in the Motion to Compel is denied because the opposition to the Motion to Compel was substantially justified and all of the circumstances would make it unjust to award expenses or costs to either side.

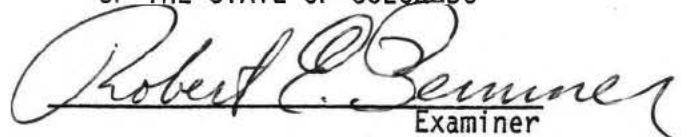
4. To the extent the Motion to Compel Discovery filed by the Colorado Municipal League on September 19, 1984, contains requests that are not granted by this Order, said motion is denied.

5. To the extent that the Motion of U.S. West Direct company to quash or limit scope of discovery subpoena is inconsistent with this Order, said motion is denied.

6. The information required to be produced by this Order shall be produced no later than Wednesday, October 3, 1984, but may be produced earlier upon agreement.

7. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

interrogatories propounded to it by AT&T Communications of the Mountain States, Inc. (ATTCOM). GTE states that ATTCOM's interrogatories require massive responses and GTE has also had other interrogatories served upon it by the Mountain States Telephone and Telegraph Company (Mountain Bell). GTE accordingly seeks extension through and including September 26, 1984 to file answers to ATTCOM's interrogatories.

The Commission finds that GTE's request for extension of time to answer interrogatories should be granted, in view of the extensive data requested by such interrogatories, and because GTE is also in the process of preparing answers to interrogatories propounded to it by Mountain Bell. The Commission also finds that response to GTE's motion should be waived in view of the necessity for Commission to act on this matter on this date.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Motion for Extension of Time in which to File Answers to Interrogatories, filed by GTE Sprint Communications Corporation on September 17, 1984, is granted.

2. GTE Sprint Communications Corporation may file answers to the interrogatories propounded to it by American Telephone and Telegraph Communications of the Mountain States, Inc., through and including September 26, 1984.

3. Response to the Motion for Extension of Time in which to File Answers to Interrogatories, filed by GTE Sprint Communications Corporation on September 17, 1984, is waived.

4. This Order is effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
André Schmitt
Ronald L. Lehn
Commissioners

(Decision No. C84-1100)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

TRANS MOUNTAIN MANAGEMENT, INC.,
DOING BUSINESS AS "MELLOW YELLOW
TAXI COMPANY," P.O. BOX 8290,
ASPEN, COLORADO 81612,

Complainant,

vs.

THE MOUNTAIN STATES TELEPHONE
AND TELEGRAPH COMPANY
1005 17TH STREET
DENVER, COLORADO 80202

Respondent.

CASE NO. 6417

COMMISSION ORDER DENYING
MOTION TO WAIVE POSTING
OF BOND OR DEPOSIT

September 25, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 18, 1984, the Commission entered Decision No. C84-1052, whereby The Mountain States Telephone and Telegraph Company (Mountain Bell) was prohibited from disconnecting the telephone service of Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company" (Mellow Yellow). The Commission conditioned the prohibition of discontinuance of Mellow Yellow's telephone service on posting of bond or deposit by Mellow Yellow within 10 days of September 18, 1984.

On September 20, 1984, Complainant Mellow Yellow filed a motion requesting that the Commission waive requirement of posting security bond or deposit in the matter. As grounds for this request, Mellow Yellow states that it has previously filed formal complaint, and Staff investigation reveals probable success. Mellow Yellow further states that Rule No. 13 (c)(2)(b), Rules Regulating the Service of Telephone Utilities, allows the Commission to waive posting of security bond or deposit if the subscriber has previously made informal complaint and such reveals probable success.

The Commission finds that Mellow Yellow's request for waiver of security bond or deposit should be denied because Mellow Yellow has failed to show that it cannot post bond or deposit in conformance with the requirements of Commission Telephone Rule No. 13. Moreover, the Commission is aware that the amount in dispute is an ongoing amount which increases each month. Accordingly, the Commission will order that Mellow Yellow shall post as security bond or deposit the monthly amount allegedly due to Mountain Bell in cash or corporate surety bond within ten days of the monthly rendition of Mountain Bell's statement to Mellow Yellow for telephone service. The Commission will also order the Executive Secretary of the Commission to set this matter for hearing on the earliest available date on the Commission's docket, subsequent to the filing of answer by Mountain Bell.

Commission Rule of Practice 9 (c) requires that all pleadings on behalf of a corporation be signed by an attorney. The Commission notes that the motion was executed by Gibson Gardner, President of Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company." No indication is set forth thereon that Mr. Gardner is an attorney licensed to practice law in the State of Colorado. The Commission states that no further pleadings will be accepted in this matter from Mr. Gardner, unless it is established that Mr. Gardner is an attorney licensed to practice law in the State of Colorado.

THEREFORE THE COMMISSION ORDERS THAT:

1. The motion filed by Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company," to waive posting of security bond or deposit is denied.
2. The requirement set forth in Ordering Paragraph No. 2 of Decision No. C84-1052, that the telephone service of Trans Mountain Management, Inc., doing business as "Mellow Yellow Taxi Company," is conditioned on posting the amount allegedly due to Mountain States Telephone and Telegraph Company (Mountain Bell) as per its monthly statement to Mellow Yellow within 10 days of the rendition of such monthly statement, in cash or corporate surety bond, with Respondent Mountain Bell.
3. The Executive Secretary of the Commission shall set Case No. 6417 for hearing on the first date available on the Commission's docket, subsequent to the filing of answer by Respondent Mountain States Telephone and Telegraph Company.
4. This Order is effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Anders Schmitt
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN UNION TELEGRAPH)
COMPANY FOR AUTHORITY TO PROVIDE)
INTEREXCHANGE SWITCHED VOICE) APPLICATION NO. 36456
TELECOMMUNICATIONS SERVICE ON AN)
INTERLATA BASIS IN THE STATE OF)
COLORADO.)

IN THE MATTER OF THE APPLICATION)
OF GTE SPRINT COMMUNICATIONS)
CORPORATION FOR A CERTIFICATE) APPLICATION NO. 36360
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OFFER INTERCITY TELE-)
COMMUNICATIONS SERVICES TO THE)
PUBLIC IN THE STATE OF COLORADO)
AND FOR THE ESTABLISHMENT OF)
INITIAL RATES.)

IN THE MATTER OF THE APPLICATION)
OF MCI TELECOMMUNICATIONS)
CORPORATION FOR A CERTIFICATE) APPLICATION NO. 36337
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OFFER INTRASTATE TELECOMMUNI-)
CATIONS SERVICES TO THE PUBLIC)
IN THE STATE OF COLORADO.)

AT&T COMMUNICATIONS OF THE)
MOUNTAIN STATES, INC.)
Complainant,) CASE NO. 6386
vs.) COMMISSION PROCEDURAL
ORDER

MCI TELECOMMUNICATIONS CORP-)
ORATION, GTE SPRINT COMMUNICATIONS)
CORPORATION AND THE MOUNTAIN)
STATES TELEPHONE AND TELEGRAPH)
COMPANY, INC., et al.,)
Respondent.)

September 25, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

Scheduled hearings in the above-captioned applications and case are set for October 31, November 1, 2, 8, and 9, 1984. In view of approaching hearings in these consolidated matters, the Commission finds that it should

enter a procedural order establishing prefiling dates for exhibits and testimony, a deadline date for filing prehearing motions, and a date for completion of discovery.

The Commission concludes that the direct testimony and exhibits of all applicants and complainant shall be filed and served on all other parties no later than October 5, 1984. All other parties shall file direct testimony and exhibits and serve such on all other parties no later than October 24, 1984. All parties shall file prehearing motions no later than October 17, 1984, and any such motions filed after such date shall not be entertained by the Commission. Unless otherwise ordered, all discovery shall be complete no later than October 14, 1984.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Applicants in Application Nos. 36456, 36360, 36337, and the Complainant in Case No. 6386 shall file their direct testimony and exhibits and serve such on all other parties no later than October 5, 1984. All other parties shall file direct testimony and exhibits and serve such on all other parties no later than October 24, 1984.

2. All parties to the above-captioned consolidated proceedings shall file all prehearing motions no later than October 17, 1984. Any such motions filed after such date will not be entertained by the Commission.

3. All parties to Application Nos. 36456, 36360 and 36337, and Case No. 6386 shall complete discovery unless otherwise ordered by the Commission, no later than October 14, 1984.

4. This Order is effective forthwith.

DONE IN OPEN MEETING the 25th day of September, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Arthur S. Spang
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|---------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF EDSON EXPRESS, INC., 1270 BOSTON) | APPLICATION NO. 35976-Transfer |
| AVENUE, LONGMONT, COLORADO, FOR) | |
| AUTHORITY TO TRANSFER CERTIFICATE) | RECOMMENDED DECISION OF |
| OF PUBLIC CONVENIENCE AND NECESSITY) | EXAMINER THOMAS F. DIXON |
| PUC NO. 415 & I TO BRINK'S, IN-) | |
| CORPORATED, 1 THORNDAL CIRCLE,) | |
| DARIEN, CONNECTICUT.) | |

- - - - -
October 1, 1984
- - - - -

Appearances: Richard P. Kissinger, Esq., Denver,
Colorado, on behalf of Edson
Express, Inc.;

John J. Conway, Esq., Denver,
Colorado, on behalf of Brink's, Inc.;

David E. Driggers, Esq., Denver,
Colorado, on behalf of Purolator
Armored, Inc., and

Tennyson W. Grebenar, Esq., Denver,
Colorado, on behalf of Wells Fargo
Armored Service Corporation.

STATEMENT

This application for transfer was filed by Edson Express, Inc. (Edson or Transferor) and Brink's, Incorporated (Brink's or Transferee) on November 10, 1983. Subsequent to notice issued by this Commission on November 21, 1983, protests were filed by Wells Fargo Armored Service Corporation (Wells Fargo) and Purolator Armored, Inc. (Purolator) on December 5, 1983 and by Miller Bros., Inc. (Miller Bros.) on December 21, 1983. On February 5, 1984, Miller Bros. withdrew its protest to the transfer proceeding. This matter was ultimately set for hearing on June 20 and 21, 1984, at 9:00 a.m., in the Commission Hearing Room, Denver, Colorado.

The matter proceeded to hearing as scheduled. During the course of the hearing, 14 exhibits were marked for identification. Exhibits 1, 2 and 5 through 12 were admitted into evidence. Official notice was taken of Exhibits 3, 4, 13, and 14. In addition, official notice was taken of the tariff commonly known as COB 300. At the conclusion of the hearing, this matter was taken under advisement. The parties were permitted to file statements of position no later than July 16, 1984. Such statements were filed as permitted.

Pursuant to CRS 40-6-109, this Examiner now transmits to the Commission the record and exhibits in this matter together with this written recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Edson is an intrastate Colorado and interstate motor carrier providing transportation service over both irregular and regular routes pursuant to authorities issued by the Colorado Public Utilities Commission and the Interstate Commerce Commission. At issue in this proceeding, is the transfer of Certificate of Public Convenience and Necessity PUC No. 415&I (Exhibit No. 1). Edson acquired this authority by purchase from Golden Industrial Service in 1975 for a purchase price of \$90,000. In this application it proposes to transfer this certificate to Brink's. The parties to the transfer have entered into a sale and purchase agreement (Exhibit 2) which is contingent upon approval of this transfer by this Commission.

2. Edson has been, and now is, engaged in bona fide common carrier operations under Certificate of Public Convenience and Necessity PUC No. 415&I in that it has held out and transported general commodities, on call and demand, between points in Adams, Arapahoe, Denver and Jefferson Counties and occasionally throughout the State of Colorado. However, it has not, under this authority, transported money, currency, gold, silver, bullion, checks, bank drafts, negotiable instruments, business papers, securities, other valuable papers, and other articles of unusual value except for small coins from the Denver Mint, specifically pennies and nickels, and some jewelry items. When conducting operations under this certificate, Edson has operated tractors and dry van trailers, straight trucks, and certain specialized trailers such as stretch trailers, flat trailers and refrigerated equipment. This type of equipment is generally associated with the transportation of general freight. Edson does not use armored vehicles in conducting its operations and its drivers are not armed or trained in the use of firearms.

Edson does not hold itself out to be an armored car company; but, as a transporter of general commodities, has not turned down freight offered to it. Edson has had no demand to provide armored service such as that offered by the Protestants to this application. Accordingly, Edson has never acquired armored equipment but advises it would in the event a demand was made for such equipment. Edson is a member of the general commodity tariff commonly known as COB 300. In this tariff, Edson is generally prohibited from transporting items of unusual value such as that transported by Protestants. In order to transport such commodities, it would have to issue a special tariff. Moreover, its current insurance policy provides as an exclusion to coverage and does not provide liability for transportation of accounts, bills, currency, deeds, evidence of debt, money, notes, securities, jewelry or other similar valuables (Exhibit 5). Edson does not have a security vault at its Commerce City Terminal within which it could store items of unusual value overnight. It does not advertise presently as an armored car service and never has placed such an advertisement. While Edson could publish a special tariff and obtain a rider on its insurance policy which would permit it to transport items of unusual value, it has never undertaken to publish such a tariff or obtain such insurance. It does not solicit transportation of items of unusual value, but does solicit business as a general commodity common carrier.

3. Brink's is a Delaware corporation which holds a Certificate of Authority from the Secretary of State of the State of Colorado. It proposes to engage in bona fide common carrier operations under Certificate of Public Convenience and Necessity PUC No. 415&I if

transferred as a result of this proceeding. It has adequate financial resources to operate this authority (Exhibit 9). In the event this transfer is granted, it will operate the equipment set forth in Exhibit No. 8 which consists of 3 armored vehicles, one station wagon, and one Buick Skylark. Brink's has a local office at 850 West Dartmouth, Englewood, Colorado, where it conducts operations. In the event this transfer is granted, Brink's will transport all commodities authorized under Certificate of Public Convenience and Necessity PUC No. 415&I and will comply with the restrictions contained therein. It also will occasionally serve all points within the State of Colorado within the scope of this authority. Brink's primary business throughout the United States is the transportation of items of unusual value. It is for this reason that it has the equipment which is set forth on Exhibit 8. However, in the event this transfer is granted, it does intend to conduct a dry freight hauling operation and will acquire whatever equipment is necessary to conduct such operations. It will, consistent with its primary business, emphasize the transportation of items of unusual value. It expects its primary competitors will be Wells Fargo and Purolator. In the event the transfer is granted, Brink's will comply with all rules and regulations of the Commission and will file appropriate tariffs.

4. Both Wells Fargo and Purolator are armored car carriers transporting items of unusual value throughout portions of the State of Colorado pursuant to their certificates, Exhibit Nos. 10 and 11 respectively. Both are aware of the operations conducted by Brink's, throughout the United States and consider Brink's a competitor. In the event this application is granted, both expect Brink's to compete with them. Purolator has recently been renamed Loomis Armored, Inc. and a name change has been filed with this Commission. Both Wells Fargo and Purolator drivers are armed and trained in the use of firearms. Each maintains a security vault at their terminals where valuables can be stored overnight. In addition, these companies carry "all risk cargo insurance" with a face value in excess of \$500,000,000. Historically, neither Protestant has considered Edson to be a competitor when conducting general freight operations under Certificate of Public Convenience and Necessity PUC No. 415&I. In fact, Wells Fargo has transported items of unusual value for Edson.

5. In the event this transfer were granted with a restriction imposed upon Brink's precluding it from transporting items of unusual value, Brink's would, none-the-less, request the certificate be transferred to it but would expect the contract price to be renegotiated to a lower amount in order to complete the transfer. Edson, on the other hand, has advised that in the event Brink's wanted the purchase price to be reduced if such a restriction were imposed, it would not transfer Certificate of Public Convenience and Necessity PUC No. 415&I to Brink's.

6. All rights held under Certificate of Public Convenience and Necessity PUC No. 415&I are sought to be transferred in this application, and no split of the operating rights is requested.

7. The granting of this transfer will not result in common control or ownership of duplicating or overlapping operating rights.

8. That unspecified portion of Certificate of Public Convenience and Necessity PUC No. 415&I which authorized the transportation of money (except pennies and nickels), currency, gold, silver, bullion, checks, bank drafts, negotiable instruments, business papers, securities, other valuable papers and other articles of unusual value has never been operated by Edson. These items constitute a separate class of freight generally designated as items of unusual value

which items are normally transported in armored vehicles by drivers who are trained in the use of firearms and who are armed with firearms when transporting such commodities. Edson has also never solicited this type of traffic. Accordingly, that unspecified portion of Certificate of Public Convenience and Necessity PUC No. 415&I which authorized the transportation of items of unusual value has become dormant and is not subject to transfer in this proceeding. All other portions of Certificate of Public Convenience and Necessity PUC No. 415&I may be transferred by Edson to Brink's in the event the parties desire to complete the transfer as ordered.

9. Transferring Certificate of Public Convenience and Necessity PUC No. 415&I with the restriction against the transportation of items of unusual value to Brink's is in the public interest.

DISCUSSION

While this Commission generally will not fragment a general commodities authority such as that which is the subject of this transfer proceeding, it is apparent in this application that the nature of the business sought to be transferred is primarily that of a dry van freight hauler. It is also apparent that Brink's will emphasize the transportation of items of unusual value rather than dry freight. Moreover, the type of equipment operated by Brink's is generally used to transport items of unusual value. Although Brink's advises it is willing to acquire additional equipment to conduct a dry freight operation, it has not done so at present and appears to have little experience in conducting such operations. Accordingly, transferring this authority without the restriction against the transportation of items of unusual value, would be tantamount to authorizing a new competitor in this area of transportation without a demonstration of public need. By transferring this authority with an appropriate restriction, the public may none-the-less continue to have a dry freight service available in the event Brink's acquires the necessary equipment to conduct such operations.

Although Edson has transported pennies and nickels for the Denver Mint and some jewelry, none of these commodities required the use of armored vehicles and the specialized service associated with the transportation of items of unusual value. The transportation of such items is a specialized service as noted by the Interstate Commerce Commission in Contracts of Contract Carriers, 11 M.C.C. 693 (1938); at 697:

The transportation of money, securities, and articles of unusual value is a highly specialized service requiring trained guards and specially constructed cars with bodies of armor plate and windows of bulletproof glass. Secrecy is desired in respect to the articles transported and the exact places from and to which they are to be received and delivered. This is for the purpose of mitigating, as far as practicable, the possibility of an attempted holdup and robbery. In the principal cities there are at least two concerns engaged in armored-car services, each endeavoring to obtain all of the business that it can in competition with the other. The armored-car operator is not a competitor of a common carrier of general commodities or the ordinary contract carrier by motor vehicle. The usual common carrier does not hold himself out to transport articles of unusual value and does not have the equipment or personnel required for such undertaking.

See also, Decision No. R79-1608, issued October 16, 1979, in Application No. 31487 for further discussion.

Nothing in its authority prevented Edson from providing such service. Accordingly, Edson's failure to provide or offer such service constitutes allowing a part of these operating rights to become dormant. Moreover, the shipment of small coins is not considered transportation of items of unusual value. See, Wells Fargo Armored Service Corp., Extension-Denver, CO, 84 M.C.C. 779 (1961); at 785; wherein the Interstate Commerce Commission noted:

In the Armored Motor case, *supra*, it was found that shipments of pennies in 30,000 - pound truckload lots and shipments of nickels in 30,000 - pound lots, valued at \$43,500 and \$134,000, respectively, were not "articles of unusual value" within the meaning of that term as contained in and as an exception to certificates authorizing the transportation of general commodities since -

In recent years increased prices and other economic processes have reduced the value of money, as compared with the prices of goods and services, generally, to the point where a shipment of base coin can be transported in the same type vehicle and be provided the same general services as ordinary freight without any greater risk than that ascribed to commodities normally moving in commerce by motor transportation which have an even higher value than that ascribed to base coinage.

Edson and Brink's contend that the Commission has never provided a comprehensive definition of the term "dormant". However, in Decision No. R80-1417, issued July 18, 1980, in Application No. 32565, the Examiner discussed and defined dormancy. This decision became a decision of the Commission and the principles discussed in that decision were discussed again in detail in Decision No. R83-1678, issued November 3, 1983, in Application No. 35612, which also became a decision of the Commission. It is unnecessary to restate those principles here.

Finally, although the Commission generally opposes fragmentation of general commodities authorities as noted and approved by the court in Delue v. PUC, 169 Colo. 159, 454 P.2d 939 (1969), the Commission has split authorities when in the public interest as is the case here. See for example, Decision No. R78-443, issued April 6, 1978, in Application No. 30322.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this action.

2. That unspecified portion of Certificate of Public Convenience and Necessity PUC No. 415&I which authorizes the transportation of money (except pennies and nickels), currency, gold, silver, bullion, checks, bank drafts, negotiable instruments, business papers, securities, other valuable papers and articles of unusual value is dormant and cannot be transferred to Brink's under Rule 2(d)(2) of the Rules and Regulations Governing Common Carriers by Motor Vehicle. Accordingly, that portion of the certificate must remain with Edson.

3. Transferring Certificate of Public Convenience and Necessity PUC No. 415&I with the restriction against the transportation of items of unusual value to Brink's is in the public interest.

4. Edson has been and now is engaged in bona fide common carrier operations under Certificate of Public Convenience and Necessity

PUC No. 415&I except that it has allowed that unspecified portion of the authority concerning the transportation of items of unusual value to become dormant.

5. Brink's intends to and will engage in bona fide common carrier operations under the operating rights subject to transfer in this proceeding as restricted.

6. Splitting Certificate of Public Convenience and Necessity PUC No. 415&I by imposing a restriction against the transportation of items of unusual value is in the public interest in that a transfer of the complete authority will interject a new competitor into the armored car transportation industry without a showing that such is in the public interest. However, since no order has been issued by the Commission declaring that portion of Certificate of Public Convenience and Necessity PUC No. 415&I cancelled, and pursuant to Colorado law, that portion of the authority must remain with Edson.

7. The granting of this transfer with the appropriate restriction will not result in common control or ownership of duplicating or overlapping operating rights by Edson and Brink's.

8. Pursuant to CRS 40-6-109, it is recommended by this Examiner that the Commission enter the following Order:

O R D E R

THE EXAMINER ORDERS THAT:

1. Edson Express, Inc., is authorized to transfer all right, title and interest which it has in Certificate of Public Convenience and Necessity PUC No. 415&I, subject to pertinent restrictions presently stated in such certificate, to Brink's, Inc., subject to encumbrances, if any, against such authority; however, upon transfer, such authority held by Brink's, Inc., shall be further restricted against the transportation of money (except pennies and nickels), currency, gold, silver, bullion, negotiable instruments, securities, business papers, other valuable papers, and other articles of unusual value.

2. Upon such transfer, the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 415&I which will then be held by Edson Express, Inc., shall be as follows:

Transportation -- on call and demand -- of

Money (except pennies and nickels), currency, gold, silver, bullion, checks, bank drafts, negotiable instruments, business papers, securities, other valuable papers, and other articles of unusual value,

Between points in the Counties of Adams, Arapahoe, Denver and Jefferson and for occasional service throughout the State of Colorado.

RESTRICTION: This Certificate is restricted as follows:

Transportation of commodities, other than household goods, between points served singly or in combination by scheduled carriers, shall

require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than the rates charged by scheduled carriers.

Authority to use equipment in the State of Colorado, as a common interstate carrier between all points in the State of Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

3. Upon such transfer, the full and complete authority transferred to Brink's, Inc. shall be as follows:

Transportation -- on call and demand -- of
General commodities,

Between points in the Counties of Adams, Arapahoe, Denver and Jefferson and for occasional service throughout the State of Colorado.

RESTRICTION: This Certificate is restricted as follows:

1. Transportation of commodities, other than household goods, between points served singly or in combination by scheduled carriers, shall require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than the rates charged by scheduled carriers.
2. Against the transportation of money (except pennies and nickels), currency, gold, silver, bullion, checks, bank drafts, negotiable instruments, business papers, securities, other valuable papers, and other articles of unusual value.

4. Said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said authority has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be kept or performed by either of them. Failure to file said written acceptance of the terms of this Order within 30 days from the effective date of this Order shall automatically revoke the authority herein granted to make the requested transfer as restricted without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.


5. The pertinent tariffs of rates, rules and regulations of the transferor shall, upon proper adoption notice, become those of the transferee until changed according to law and the rules and regulations of this Commission.

6. The right of transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of this Commission, and upon the prior filing of an annual report by the transferor herein covering any operations under the portion of the certificate transferred in this proceeding up to the time of transfer.

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

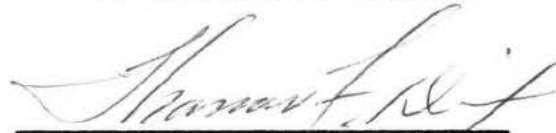
nrg:5196A

6. The right of transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of this Commission, and upon the prior filing of an annual report by the transferor herein covering any operations under the portion of the certificate transferred in this proceeding up to the time of transfer.

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

nrg:5196A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|--------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF ASPEN SEPTIC, INC., FOR |) | APPLICATION NO. 36355-PP |
| TEMPORARY AUTHORITY TO CONDUCT |) | |
| OPERATIONS AS A CONTRACT CARRIER |) | INTERIM ORDER OF |
| BY MOTOR VEHICLE FOR HIRE. |) | EXAMINER THOMAS F. DIXON |

October 1, 1984

STATEMENT AND FINDINGS OF FACT

On May 30, 1984, Aspen Septic, Inc., filed the within application seeking:

A Class "B" permit to operate as a contract carrier by motor vehicle for hire for the transportation of sludge between all points in the area comprised of the Counties of Jefferson, Denver, and Park, State of Colorado. Restricted to providing transportation services for the following named customers only, to wit: Mountain Water and Sanitation, Conifer, Colorado; Conifer Center, Conifer, Colorado; and the City of Evergreen, Colorado.

Subsequent to Notice issued by this Commission on June 4, 1984, McDonald Farms, Incorporated, filed a protest to this application on June 11, 1984. McDonald Farms holds authority to transport - on call and demand - sewer sludge, between all points lined north of the following described line: beginning at a point that is located on the Colorado-Utah State boundary line that is located 142 miles north of the intersection of the state boundaries of Utah, Arizona, Colorado and New Mexico (Four Corners). Thence straight east to the northern El Paso County line, thence straight east to a point located exactly 150 miles north of the Colorado, Kansas, Oklahoma boundary line. Restriction: This permit is restricted to providing transportation only to farm sites. Restricted against providing any service into, out of, or between points located in the City and County of Denver, State of Colorado.

Protestant asserts that it is available to provide service to the City of Evergreen, Conifer Center, and the Mountain Water and Sanitation District. Pursuant to notice issued July 24, 1984, that this matter is set for hearing on October 4, 1984, at 9:00 a.m., in the Commission Hearing Room, Denver, Colorado.

On August 16, 1984, Aspen Septic, Inc., filed a motion to dismiss protest asserting that the operations proposed by Applicant do not conflict with the authority presently held by Protestant. Applicant asserts that since the Protestant can only transport sewer sludge to farm sites, that the proposed operations do not conflict with the authority held by Applicant. However, a review of the authority sought by Applicant does not restrict Applicant against transporting sewer sludge to farm sites. Accordingly, Applicant, if granted the authority sought, could transport sewer sludge to farm sites on behalf of these named

customers. While the support letters may indicate this is not the intent of the shippers, there has been no request to restrict the authority sought against the transportation of sewer sludge to farm sites. Accordingly there is potential conflict between the authority of Protestant and that sought by Applicant, and, Protestant, at this stage in the proceeding, continues to have an interest in or may be affected by these proceedings. Parenthetically, it would appear that in the event Applicant amended its application against the transportation of sewer sludge to farm sites that any potential conflict between the authority then sought and the authority held by Protestant would be eliminated. However, this is a matter for the parties to discuss and cannot be unilaterally imposed by the Commission without a hearing. Accordingly, the Motion to Dismiss Protest must be denied at this time.

On September 6, 1984, Aspen Septic, Inc. filed a letter requesting the hearing scheduled October 4, 1984 be vacated since the application had just been renoticed. With the renotice, new parties may enter the case until September 26, 1984, a very short time prior to the hearing. Good grounds having been shown, the request to vacate should be granted.

O R D E R

THE EXAMINER ORDERS THAT:


1. The Motion to Dismiss Protest filed by Aspen Septic, Inc., on August 16, 1984, is hereby denied.
2. The hearing scheduled for October 4, 1984 in this matter is vacated.
3. This matter is reset as follows:

DATE: Wednesday, November 21, 1984

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Logan Tower
Office Level 2 (OL 2)
1580 Logan Street
Denver, Colorado 80203
4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|---------------------------------------|---------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF CHARLES FETTY, DOING BUSINESS AS) | APPLICATION NO. 36427-PP |
| "FETTY TRANSPORTATION," 1503 WEST) | |
| 20TH STREET, PUEBLO, COLORADO) | RECOMMENDED DECISION OF |
| FOR AUTHORITY TO OPERATE AS A CLASS) | EXAMINER ROBERT E. TEMMER |
| "B" CONTRACT CARRIER BY MOTOR) | |
| VEHICLE FOR HIRE.) | |

- - - - -
October 1, 1984
- - - - -

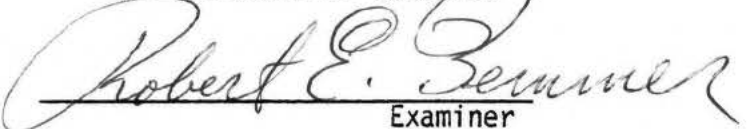
STATEMENT AND FINDINGS OF FACT

This Commission issued its Order Setting Hearing and Notice of Hearing in this matter on August 30, 1984, and served copies on Applicant and his attorney. Protestant Ashton Trucking Company filed its Motion to Dismiss on September 14, 1984, alleging that Applicant failed to comply with the prefiling requirements set forth in the Order referenced above. No response to the motion was filed. The official file reflects that Applicant did not comply.

ORDER

1. The Motion to Dismiss filed on September 14, 1984, is granted, and this Application is dismissed.
2. The hearing scheduled for October 11, 1984 in Pueblo, Colorado is vacated.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--------------------------------------|-----------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF CORNELIUS TRANSFER OF LA JUNTA,) | APPLICATION NO. 36519-Encumbrance |
| INC., P. O. BOX 387, 6TH AND) | |
| KENILWORTH, LA JUNTA, COLORADO) | ORDER OF THE COMMISSION |
| FOR AUTHORITY TO ENCUMBER ALL) | |
| RIGHT, TITLE AND INTEREST IN AND) | |
| TO CERTIFICATE OF PUBLIC) | |
| CONVENIENCE AND NECESSITY PUC) | |
| NO. 346 & I TO THE COLORADO BANK) | |
| AND TRUST COMPANY, LA JUNTA,) | |
| COLORADO.) | |

- - - - -
October 2, 1984
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

IT FURTHER APPEARING, That on June 1, 1977, the Commission entered Decision No. 90623, approving the encumbrance of Certificate of Public Convenience and Necessity PUC No. 346 & I of Cornelius Transfer of La Junta, Inc., to The Colorado Bank and Trust Company, La Junta, Colorado, in the amount of \$150,000.00.

IT FURTHER APPEARING, That the Commission is in receipt of a communication from The Colorado Bank and Trust Company, stating that said encumbrance has been paid by renewal and requesting approval of a new encumbrance as evidenced by Security Agreement and Financing Statement dated July 16, 1984 in the amount of \$192,302.42, in accordance with the terms and conditions of the Security Agreement and Financing Statement, as executed by and between said parties and properly filed with this Commission.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That the approval as herein sought is compatible with the public interest and should be granted as set forth in the Order following.

An appropriate Order will be entered.

IT IS ORDERED, That the encumbrance of Certificate of Public Convenience and Necessity PUC No. 346 & I authorized by Commission Decision No. 90623 dated June 1, 1977, be, and hereby is, released as requested by The Colorado Bank and Trust Company, La Junta, Colorado, insofar as it concerns this Commission.

IT IS FURTHER ORDERED, That Cornelius Transfer of La Junta, Inc., P. O. Box 387, 6th and Kenilworth, La Junta, Colorado be, and hereby is, authorized to encumber all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 346 & I, to The Colorado Bank and Trust Company, La Junta, Colorado, to secure payment of the indebtedness in the principal sum of \$192,302.42, in accordance with the terms and conditions of the Security Agreement and Financing Statement dated July 16, 1984, as executed by and between said parties, and properly filed with this Commission.

IT IS FURTHER ORDERED, That Cornelius Transfer of La Junta, Inc., shall notify the Commission in writing of the full satisfaction of the indebtedness as aforesaid, and release of the encumbrance authorized herein, within 10 days after the same has been effected.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andrea Schmitt

Ronald L. Lehn

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|-------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF COLUMBINE NEWS SERVICE, INC.,) | APPLICATION NO. 36414 |
| 5150 MONROE STREET, DENVER,) | |
| COLORADO FOR AUTHORITY TO OPERATE) | ORDER OF THE COMMISSION |
| AS A COMMON CARRIER BY MOTOR) | |
| VEHICLE FOR HIRE.) | |

- - - - -
October 2, 1984
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That the operating rights granted herein shall be known as PUC No. 6830, that being the number previously held by the Applicant.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the holder of the Certificate shall operate in accordance with the Order of the Commission except when prevented by an Act of God, the public enemy, or extreme conditions.

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmitt
Ronald L. Lehn
Commissioners

Appendix
Decision No. C84-1106
October 2, 1984

Columbine News Service, Inc.

Transportation -- on schedule -- of

Newspapers

- (1) Between Denver, Colorado and the Kansas/Colorado State Boundary Line via I-70, serving all intermediate points; and
- (2) Between Denver, Colorado and the Kansas/Colorado State Boundary Line via U.S. Highway No. 36, serving all intermediate points.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|-------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF LEO D. MEYER, DOING BUSINESS) | APPLICATION NO. 36457 |
| AS "MEYER TRUCKING," 1430 NORTH) | |
| FRANKLIN, COLORADO SPRINGS,) | ORDER OF THE COMMISSION |
| COLORADO FOR AUTHORITY TO OPERATE) | |
| AS A COMMON CARRIER BY MOTOR) | |
| VEHICLE FOR HIRE.) | |

- - - - -
October 2, 1984
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the holder of the Certificate shall operate in accordance with the Order of the Commission except when prevented by an Act of God, the public enemy, or extreme conditions.

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
André Schmitt
Ronald L. Lehn
Commissioners

Appendix
Decision No. C84-1107
October 2, 1984

Meyer Trucking

Transportation of

Sod

Between all points within the area comprised of the Counties of Lincoln, Elbert, and El Paso, State of Colorado, and from said points, on the one hand, to all points in the State of Colorado, on the other hand.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|--------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF WESTERN SUPPLY GAS COMPANY |) | APPLICATION NO. 36562 |
| FOR AN ORDER AUTHORIZING IT TO |) | |
| EFFECT CERTAIN DOWNWARD REVISIONS |) | ORDER OF THE COMMISSION |
| IN GAS RATES UPON LESS THAN |) | AUTHORIZING DOWNWARD REVISIONS |
| STATUTORY NOTICE. |) | OF GAS RATES |

October 1, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 19, 1984, Western Gas Supply Company, Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 1, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its suppliers and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company, Northwest Pipeline Corporation and diverse wellhead suppliers.
3. This Commission has no jurisdiction over the wholesale rates of the suppliers named in 2, above, but it does have jurisdiction over the rates of Western Gas Supply Company.
4. Effective October 1, 1984, Applicant's suppliers will decrease their wholesale rates to Applicant by approximately \$27,711,212, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$27,711,212, which is a decrease of 13.6%.
6. Applicant's currently authorized rate of return is 10.68%, set in Commission Decision No. R84-560-I, dated May 19, 1984.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 28.8%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 9.25%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Western Gas Supply Company shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
André Schmitt
Ronald L. Lehn
Commissioners

Western Gas Supply Company

Sheet No. 94C

APPENDIX A

Cancels
Sheet No.

| NATURAL GAS RATES | | | | | | | |
|--------------------------|--------------|------------------|---------------------------------|-------------------------------|-------------------------------|-----------------------|-------------------------------------|
| PURCHASED GAS ADJUSTMENT | | | | | | | |
| CENTRAL SYSTEM | | | | | | | |
| Rate Schedule | Sheet No. | Billing Units | Type of Charge | Current Gas Cost | Base Gas Cost | Deferred Gas Cost | Purchased Gas Adjustment |
| CG | 11 | MCF | Demand Commodity | 1.78912 3.37932 | 1.39920 3.22796 | -- (0.27797) | 0.38992 (0.12661) |
| CPS | 12 | MCF | Demand Capacity Commodity | 0.71000 0.00850 3.37932 | 0.99000 0.01370 3.22796 | -- -- (0.27797) | (0.28000) (0.00520) (0.12661) |
| CSG | 13 | MCF | Commodity | 3.65687 | 3.45107 | (0.27797) | (0.07217) |
| CI | 14 | MCF | Commodity | 3.37932 | 3.22796 | (0.27797) | (0.12661) |
| CDF | 16 | MCF | Commodity | 3.56064 | 3.37110 | (0.27797) | (0.08843) |
| CDI | 17 | MCF | Commodity | 3.37932 | 3.22796 | (0.27797) | (0.12661) |
| CS-A | 19 | MCF | Demand Commodity | 1.78912 3.37932 | 1.39920 3.22796 | -- (0.27797) | 0.38992 (0.12661) |
| CS-B | 20 | MCF | Commodity | 3.37932 | 3.22796 | (0.27797) | (0.12661) |
| CS-C | 21 | MCF | Commodity | 3.37932 | 3.22796 | (0.27797) | (0.12661) |
| CS-D | 22 | MCF | Demand Commodity | 1.78912 3.37932 | 1.39920 3.22796 | -- (0.27797) | 0.38992 (0.12661) |
| CS-E | 23 | MCF | Demand Commodity | 1.78912 3.37932 | 1.39920 3.22796 | -- (0.27797) | 0.38992 (0.12661) |
| CS-F | 24 | MCF | Demand Commodity | 1.78912 3.37932 | 1.39920 3.22796 | -- (0.27797) | 0.38992 (0.12661) |

Advice Letter
Number

Decision
Number

C84-1108

John M. Hassoldt

PRESIDENT
Issuing Officer

Issue
Date

Effective
Date

October 1, 1984

Western Gas Supply Company

Sheet No. 94D

Cancels
Sheet No.

APPENDIX A

NATURAL GAS RATES
PURCHASED GAS ADJUSTMENT
WESTERN SYSTEM

| Rate Schedule | Sheet No. | Billing Units | Type of Charge | Current Gas Cost | Base Gas Cost | Deferred Gas Cost | Purchased Gas Adjustment | |
|------------------|--------------|------------------|----------------|---------------------|------------------|----------------------|-----------------------------|---|
| WG | 71 | MCF | Commodity | 2.80793 | 2.47327 | (0.37895) | (0.04429) | R |
| WI | 74 | MCF | Commodity | 2.80793 | 2.47327 | (0.37895) | (0.04429) | R |
| WDF | 76 | MCF | Commodity | 2.80793 | 2.47327 | (0.37895) | (0.04429) | R |
| WDI | 77 | MCF | Commodity | 2.80793 | 2.47327 | (0.37895) | (0.04429) | R |
| WS-A | 78 | MCF | Commodity | 2.80793 | 2.47327 | (0.37895) | (0.04429) | R |
| WS-B | 79 | MCF | Commodity | 2.80793 | 2.47327 | (0.37895) | (0.04429) | R |
| WS-C | 80 | MCF | Commodity | 2.80793 | 2.47327 | (0.37895) | (0.04429) | R |
| WS-D | 81 | MCF | Commodity | 2.80793 | 2.47327 | (0.37895) | (0.04429) | R |

Advice Letter
Number
Decision
Number

C84-1108

John M. Hassoldt

PRESIDENT
Issuing Officer

Issue
Date

Effective
Date October 1, 1984

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|--------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF PUBLIC SERVICE COMPANY OF |) | APPLICATION NO. 36563 |
| COLORADO FOR AN ORDER AUTHORIZING |) | |
| IT TO EFFECT CERTAIN DOWNWARD |) | ORDER OF THE COMMISSION |
| REVISIONS IN GAS RATES UPON LESS |) | AUTHORIZING DOWNWARD REVISIONS |
| THAN STATUTORY NOTICE. |) | OF GAS RATES |

- - - - -
October 1, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 19, 1984, Public Service Company of Colorado, Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 1, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its suppliers and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company and Western Gas Supply Company.
3. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas Company, but it does have jurisdiction over the rates of Western Gas Supply Company and Public Service Company of Colorado.
4. Effective October 1, 1984, Applicant's suppliers will decrease their wholesale rates to Applicant by approximately \$22,977,459, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$22,977,459, which is a decrease of 2.12%.
6. Applicant's currently authorized rate of return is 10.21%, set in Commission Decision No. C84-598, dated May 22, 1984.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending March 31, 1984, will be 12.58%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending March 31, 1984, will be 8.37%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. Public Service Company of Colorado shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Anders Schenck
Ronald L. Lehn
Commissioners

PUBLIC SERVICE COMPANY OF COLORADO

Sheet No. 130C

111002

APPENDIX A

Cancels
Sheet No.

NATURAL GAS RATES

GAS COST ADJUSTMENT

| Rate Schedule | Sheet No. | Billing Units | Current Gas Costs | Base Gas Costs | Deferred Gas Costs | Gas Cost Adjustment |
|------------------|--------------|------------------|----------------------|-------------------|-----------------------|---------------------|
| RG-1 | 30 | CCF | \$0.3275 | \$0.2990 | \$(.0024) | \$ 0.0261 |
| RG-2 | 31 | CCF | 0.3275 | 0.2990 | (.0024) | 0.0261 |
| RG-3 | 32 | CCF | 0.2966 | 0.2923 | (.0016) | 0.0027 |
| RG-4 | 33 | CCF | 0.3258 | 0.2449 | .0105 | 0.0914 |
| GL-1 | 35 | CCF | 0.3275 | 0.2990 | (.0024) | 0.0261 |
| GL-2 | 36 | CCF | 0.3275 | 0.2990 | (.0024) | 0.0261 |
| GL-3 | 37 | CCF | 0.2966 | 0.2923 | (.0016) | 0.0027 |
| GL-4 | 38 | CCF | 0.3258 | 0.2449 | .0105 | 0.0914 |
| CG-1 | 60 | CCF | 0.3275 | 0.2990 | (.0024) | 0.0261 |
| CG-2 | 61 | CCF | 0.3275 | 0.2990 | (.0024) | 0.0261 |
| CG-3 | 62 | CCF | 0.2966 | 0.2923 | (.0016) | 0.0027 |
| CG-4 | 63 | CCF | 0.3258 | 0.2449 | .0105 | 0.0914 |
| C-1 | 90 | MCF | 3.2140 | 2.9310 | (.0240) | 0.2590 |
| E-1 | 92 | MCF | 3.2140 | 2.9310 | (.0240) | 0.2590 |
| E-2 | 93 | MCF | 3.2140 | 2.9310 | (.0240) | 0.2590 |
| E-3 | 94 | MCF | 2.9050 | 2.8420 | (.0160) | 0.0470 |
| E-4 | 95 | MCF | 3.1560 | 2.3910 | .1050 | 0.8700 |
| F-1 | 97 | MCF | 3.2140 | 2.9310 | (.0240) | 0.2590 |
| SCS-1 | 110 | MCF | 3.2750 | 2.9900 | (.0240) | 0.2610 |
| SCS-3 | 112 | MCF | 2.8640 | 2.7640 | (.0160) | 0.0840 |
| SCS-4 | 113 | MCF | 3.2750 | 2.9900 | (.0240) | 0.2610 |
| SCS-5 | 114 | MCF | 3.2140 | 2.9310 | (.0240) | 0.2590 |

Form 284-22-4024

ADVICE LETTER
NUMBER

DECISION
NUMBER

C84-1109

VICE PRESIDENT
Issuing Officer

ISSUE
DATE

EFFECTIVE
DATE

October 1, 1984

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|-------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION) | APPLICATION NO. 36574 |
| OF PEOPLES NATURAL GAS COMPANY,) | |
| DIVISION OF INTERNORTH, INC., FOR) | ORDER OF THE COMMISSION |
| AN ORDER AUTHORIZING IT TO EFFECT) | AUTHORIZING DOWNWARD REVISIONS |
| CERTAIN DOWNWARD REVISIONS IN GAS) | OF GAS RATES |
| RATES UPON LESS THAN STATUTORY) | |
| NOTICE.) | |

- - - - -
October 1, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 25, 1984, Peoples Natural Gas Company, Division of InterNorth, Inc., Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 3, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier, Colorado Interstate Gas Company, and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.

2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company for Applicant's customers in its central and Northeast Service Areas.

3. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas Company, but it does have jurisdiction over the rates of Peoples Natural Gas Company, Division of InterNorth, Inc.

4. Effective October 1, 1984, Applicant's supplier decreased its wholesale rates to Applicant by approximately \$406,639, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.

5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$406,639, which is a decrease of 2.36%.

6. Applicant's currently authorized rate of return is 13.23%, set in Commission Decision No. C82-999, dated June 29, 1982.

7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 15.20% (Central) and 13.74% (Northeast).

8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 12.45% (Central) and 10.89% (Northeast).

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Peoples Natural Gas Company, Division of InterNorth, Inc. shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

André Schmitt

Ronald L. Lehn

Commissioners

Form 2-1 PEOPLES NATURAL GAS COMPANY
Division of InterNorth, Inc.

Appendix A

Colo. PUC No. 1

Thirty-sixth Revised Sheet No. 6a

Cancels Thirty-fifth Revised Sheet No. 6a

name of utility

NATURAL GAS

(General Service Classification)

RIDER SUMMARY PAGE 1 of 7

(Rate Title or Number)

RIDERS TO BASE RATE SCHEDULES
FOR CUSTOMERS SERVED FROM
COLORADO INTERSTATE GAS COMPANY
(Amount Per Ccf)

| Rate | Sheet No. | Final Riders | Total Riders |
|---------------------|-----------|--------------|--------------|
| B | 9 | \$(.0105) | \$(.0105) |
| D | 12 | (.0111) | (.0111) |
| Q | 30 | (.0113) | (.0113) |
| X-3 | 39c | (.0098) | (.0098) |
| X-5 | 39e | (.0127) | (.0127) |
| X-6 | 39f | (.0114) | (.0114) |
| X-10 | 39i.1 | | |
| Mo. Service Charge: | | -0- | -0- |
| Commodity: | | (.01203) | (.01203) |

Effective with volumes taken on and after this date.

DO NOT WRITE
IN THIS SPACE

smc/1194t

Advice Letter No. _____ Issue Date September 21, 1984
Decision or Authority No. C84-1110 Signature of Issuing Officer Vice President Effective Date October 3, 1984
Title _____

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|--------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF CITIZENS UTILITIES COMPANY FOR) | APPLICATION NO. 36551 |
| AN ORDER AUTHORIZING IT TO EFFECT) | |
| CERTAIN DOWNWARD REVISIONS IN) | ORDER OF THE COMMISSION |
| GAS RATES UPON LESS THAN STATUTORY) | AUTHORIZING DOWNWARD REVISIONS |
| NOTICE.) | OF GAS RATES |

- - - - -
October 1, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 17, 1984, Citizens Utilities Company, Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 1, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company for Applicant's customers in its Arkansas Valley Division.
3. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas Company, but it does have jurisdiction over the rates of Citizens Utilities Company.
4. Effective October 1, 1984, Applicant's supplier will decrease its wholesale rates to Applicant by approximately \$269,850, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$269,764, which is a decrease of 2.49%.
6. Applicant's currently authorized rate of return is 12.13%, set in Commission Decision No. R83-533, dated April 26, 1983.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 11.50%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 8.21%.
9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Citizens Utilities Company shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andru Schmidt
Ronald L. Lehn
Commissioners

CITIZENS UTILITIES COMPANY

COLO.P.U.C NO. 9

EXHIBIT E

44th Revised

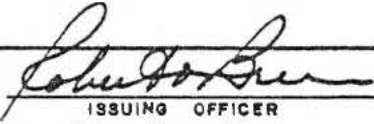
SHEET NO. 1

43rd Revised

CANCELS

SHEET NO. 1

| NATURAL GAS SERVICE | |
|--|---|
| GAS RATE ADJUSTMENT | COMPANY RATE CODE |
| GAS RATE ADJUSTMENT | TERRITORY RATE NO. |
| <u>APPLICABILITY</u> Applicable in all territory served by the Company in Bent, Crowley and Otero Counties, Colorado. | |
| I. All rates for General Natural Gas Service shall be increased per hundred cubic feet used per month at 14.65 psia pressure base at 12.95 psia pressure base | RATE \$(.007) (D) (.006) (D) |
| II. All rates for Industrial Natural Gas Service shall be increased per thousand cubic feet used per month at 14.65 psia pressure base at 12.95 psia pressure base | \$(.071) (D) (.063) (D) |
| III. All rates for Special Contract Service shall be increased per thousand cubic feet used per month at 14.65 psia pressure base at 12.95 psia pressure base | \$(.071) (D) (.063) (D) |
| IV. All rates for Special Contract Interruptible Service shall be increased per thousand cubic feet used per month 14.65 psia pressure base 12.95 psia pressure base | \$.007 (I) .006 (I) |
| The rates on file and affected hereby are identified as follows: | |
| I. <u>General Natural Gas Service</u> Colo. P.U.C. No. 9 Eighteenth Revised Sheet No. 3 Colo. P.U.C. No. 9 Third Revised Sheet No. 3.1 | |
| II. <u>Industrial Natural Gas Service</u> Colo. P.U.C. No. 9 Nineteenth Revised Sheet No. 7 | |
| III. <u>Special Industrial Natural Gas Service</u> Colo. P.U.C. No. 9 Twenty-first Revised Sheet No. 9 | |
| IV. <u>Special Contract Service</u> Colo. P.U.C. No. 9 Eleventh Revised Sheet No. 10.1 Colo. P.U.C. No. 9 Eleventh Revised Sheet No. 10.2 Colo. P.U.C. No. 9 Eleventh Revised Sheet No. 10.6 Colo. P.U.C. No. 9 Tenth Revised Sheet No. 10.7 | |

ADVISE LETTER NO. _____
DECISION OR 84-1111
AUTHORITY NO. _____
ISSUING OFFICER
Vice President
TITLEISSUE DATE September 14, 1984
EFFECTIVE DATE October 1, 1984

CITIZENS UTILITIES COMPANY
NAME OF UTILITY

EXHIBIT F, Page 1 of 8

COLO. P.U.C. NO. 9

APPENDIX A

CANCELS

140th Revised SHEET NO. 2

139th Revised SHEET NO. 2

INDEX

| DESCRIPTION | SHEET NO. |
|---|-----------------------|
| Title Page | 1st Revised |
| Gas Rate Adjustment | 1 44th Revised (D)(I) |
| Gas Rate Adjustment | 1.1 68th Revised |
| Gas Rate Adjustment | 1.2 Original |
| Gas Rate Adjustment | 1.2A 4th Revised |
| Index | 2 140th Revised (C) |
| Index | 2A 12th Revised |
| Index of Communities | 2.1 1st Revised |
| General Service Rate of Natural Gas | 3 18th Revised (D) |
| | 3.1 3rd Revised |
| | 4 4th Revised |
| | 4.3 10th Revised |
| | 4.4 2nd Revised |
| Large Industrial Rate | 7 19th Revised (D) |
| | 7.1 2nd Revised |
| | 7.2 10th Revised |
| | 8 3rd Revised |
| Special Industrial Rate for Natural Gas | 9 21st Revised (D) |
| | 10 2nd Revised |
| Special Contracts | 10.1 11th Revised (D) |
| | 10.1.1 Original |
| | 10.1.2 Original |
| | 10.1.3 Original |
| | 10.1.4 Original |
| | 10.1.5 Original |
| | 10.1.6 Original |
| | 10.1.7 Original |
| | 10.1.8 Original |
| | 10.2 11th Revised (D) |
| | 10.6 11th Revised (D) |
| | 10.7 10th Revised (D) |
| | 10.8 1st Revised |

DO NOT WRITE
IN THIS SPACE

Margin Symbols: "I" increase; "D" decrease; "C" change;
"N" new; "T" transfer

ADVICE LETTER NO. _____
DECISION OR C84-1111
AUTHORITY NO. _____

ISSUING OFFICER
Vice President
TITLE

ISSUE DATE September 14, 1984

EFFECTIVE DATE October 1, 1984

APPENDIX A

CITIZENS UTILITIES COMPANY

EXHIBIT F, Page 2 of 8

COLO.P.U.C NO. 9

18th Revised

SHEET NO.

3

CANCELS

17th Revised

SHEET NO.

3

| NATURAL GAS SERVICE | |
|--|--------------------------|
| GENERAL SERVICE | COMPANY RATE CODE |
| GENERAL SERVICE RATE | TERRITORY RATE NO. |
| | GS-1 |
| <u>APPLICABILITY</u> Applicable in all territory served by the Company in Bent, Crowley and Otero Counties, Colorado. | <u>RATE</u> |
| <u>AVAILABILITY</u> For residential commercial and small industrial service. | |
| <u>RATE</u> Facilities Charge per month Commodity Charge per 100 cu. ft. per month | \$5.50 0.44605(D) |
| <u>MINIMUM</u> Net minimum per meter per month | \$5.50 |
| <u>CONTRACT PERIOD</u> All contracts under this schedule shall be for a period of thirty days and thereafter until terminated where service is no longer required, on two days' written notice. | |

ADVISE LETTER NO.

DECISION OR

AUTHORITY NO.

C84-1111

ISSUING OFFICER

Vice President

TITLE

ISSUE DATE

September 14, 1984

EFFECTIVE DATE

October 1, 1984


CITIZENS UTILITIES COMPANY

19th Revised SHEET NO. 7

CANCELS

18th Revised SHEET NO. 7

| NATURAL GAS RATES | |
|---|--------------------------------------|
| LARGE INDUSTRIAL | COMPANY RATE CODE |
| LARGE INDUSTRIAL RATE | TERRITORY RATE NO. |
| <u>APPLICABILITY</u> Applicable in all territory served by the Company in Bent, Crowley and Otero Counties, Colorado. | LI-1 |
| <u>AVAILABILITY</u> For large commercial and industrial service where the customer uses 250,000 cubic feet or more of gas during the billing period in which demand is determined. | |
| <u>RATE</u> Demand Charge - per 1,000 cu. ft. Commodity Charge - per 1,000 cu. ft. | RATE \$4.58 3.7562 (D) |
| <u>DETERMINATION OF DEMAND</u> The monthly demand shall be the greatest daily use of gas occurring in any monthly billing period from October first of one year through April thirtieth of the next year determined, at the option of the Company, either by measurement or by dividing the amount of gas used during the monthly billing period by the number of days covered by that billing period, whichever is greater. | |
| <u>BILLING DEMAND</u> The billing demand shall be the demand as determined above but not less than the highest demand so determined for the eleven months immediately preceding the current month, and in no case less than 8,333 cubic feet. | |
| <u>MINIMUM</u> The demand charge per month. | |

ADVISE LETTER NO. _____
DECISION OR
AUTHORITY NO. C84-1111
ISSUING OFFICER
Vice President
TITLEISSUE DATE September 14, 1984
EFFECTIVE DATE October 1, 1984

CITIZENS UTILITIES COMPANY


21st Revised SHEET NO. 9

CANCELS

20th Revised SHEET NO. 9

| NATURAL GAS RATES | |
|--|---|
| SPECIAL INDUSTRIAL | COMPANY RATE CODE |
| SPECIAL INDUSTRIAL RATE FOR NATURAL GAS | SI-1 |
| <u>APPLICABILITY</u> Applicable in all territory served by the Company in Bent, Crowley and Otero Counties, Colorado. | RATE |
| <u>AVAILABILITY</u> For industrial customers who do not require natural gas during the months of November to April, inclusive. | |
| <u>RATE</u> First 5,000 Mcf during period May 1 through October 31, per Mcf Next 45,000 Mcf during period May 1 through October 31, per Mcf All over 50,000 Mcf during period May 1 through October 31, per Mcf | \$3.928 (D) 3.8945 (D) 3.8453 (D) |
| <u>MINIMUM</u> For six-month season (May 1 through October 31, inclusive) | \$2,448.17 |
| <u>CONTRACT PERIOD</u> Service under this schedule shall be firm and shall be rendered under individual contract only, for a period from May 1 through October 31, inclusive, of each year. | |
| <u>TERMS AND CONDITIONS</u> Where gas is supplied to customers at a pressure higher than the normal atmospheric pressure of 12.7 pounds plus 4 ounces, a correction factor shall be applied to the meter registrations for the higher pressure. The formula for determining such correction factor shall be as follows: $\frac{11.7 \text{ plus pressure at which metered}}{12.7 \text{ plus } .25}$ | |

ADVICE LETTER NO. _____
DECISION OR AUTHORITY NO. C84-1111


ISSUING OFFICER
Vice President
TITLE

ISSUE DATE September 14, 1984
EFFECTIVE DATE October 1, 1984

CANCELS

CITIZENS UTILITIES COMPANY

APPENDIX A

ADVICE LETTER NO. _____
DECISION OR AUTHORITY NO. C84-1111
ISSUING OFFICER *Johnson*
Vice President
TITLE
ISSUE DATE September 14, 1984
EFFECTIVE DATE October 1, 1984

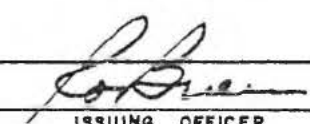
CITIZENS UTILITIES COMPANY
APPENDIX A

11th Revised SHEET NO. 10.2

10th Revised CANCELS SHEET NO. 10.2

| NATURAL GAS RATES | |
|---|--------------------|
| SPECIAL CONTRACT SERVICE | COMPANY RATE CODE |
| | TERRITORY RATE NO. |
| | SC-2 |
| <u>AVAILABILITY</u> Available to the City of Las Animas, Colorado in accordance with the terms and conditions of the special contract between Company and customer dated September 30, 1979. | RATE |
| <u>APPLICABILITY</u> Applicable to Natural Gas Service to the Municipal Power Plant as set forth in the agreement between Company and customer. | |
| <u>RATES</u> Commodity Charge, per Mcf per month | |
| <u>TERMS AND CONDITIONS</u> See special contract between Company and customer dated September 30, 1979. | \$3.6533 (D) |
| | |

ADVICE LETTER NO. _____
DECISION OR AUTHORITY NO. C84-1111


ISSUING OFFICER
Vice President
TITLE

ISSUE DATE September 14, 1984
EFFECTIVE DATE October 1, 1984

CITIZENS UTILITIES COMPANY

APPENDIX A

| NATURAL GAS RATES | |
|---|--------------------|
| SPECIAL CONTRACT SERVICE | COMPANY RATE CODE |
| <div>AVAILABILITY</div> <div>Available to the City of La Junta, Colorado in accordance with the terms and conditions of the special contract between Company and customer dated September 30, 1979.</div> <div>APPLICABILITY</div> <div>Applicable to natural gas service to the municipal power plant as set forth in the agreement between Company and customer.</div> <div>RATES</div> <div>Commodity Charge, per Mcf per month</div> <div>TERMS AND CONDITIONS</div> <div>See special contract between Company and customer dated September 30, 1979.</div> | TERRITORY RATE NO. |
| | SC-6 |
| | RATE |
| | \$3.6533 (D) |

COLO.P.U.C NO. 9

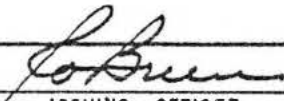
APPENDIX A
CITIZENS UTILITIES COMPANY

10th Revised SHEET NO. 10.7

9th Revised CANCELS SHEET NO. 10.7

| NATURAL GAS RATE | |
|--|--------------------|
| SPECIAL CONTRACT SERVICE | COMPANY RATE CODE |
| <p><u>AVAILABILITY</u></p> <p>Available to the Southern Colorado Power Division of Central Telephone and Utilities Corporation, located in Rocky Ford, Colorado in accordance with the terms and conditions of the special contract between Company and customer dated September 30, 1976.</p> <p><u>APPLICABILITY</u></p> <p>Applicable to natural gas service to the Southern Colorado Power Division of Central Telephone and Utilities Corporation as set forth in the agreement between Company and customer.</p> <p><u>RATES</u></p> <p>Commodity Charge, per Mcf per month Firm Gas Rates will be as provided for in Rate Schedule LI-1. (above rates are at a pressure base of 12.95 psia)</p> <p><u>TERMS AND CONDITIONS</u></p> <p>See special contract between Company and customer dated September 30, 1976.</p> | TERRITORY RATE NO. |
| | SC-7 |
| | RATE |
| | \$3.6533 (D) |

ADVICE LETTER NO. _____
DECISION OR AUTHORITY NO. C84-1111


ISSUING OFFICER
Vice President
TITLE

ISSUE DATE September 14, 1984
EFFECTIVE DATE October 1, 1984

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|--------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF COLORADO SPRINGS DEPARTMENT |) | APPLICATION NO. 36565 |
| OF UTILITIES FOR AN ORDER |) | |
| AUTHORIZING IT TO EFFECT CERTAIN |) | ORDER OF THE COMMISSION |
| DOWNWARD REVISIONS IN GAS RATES |) | AUTHORIZING DOWNWARD REVISIONS |
| UPON LESS THAN STATUTORY NOTICE. |) | OF GAS RATES |

October 1, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 19, 1984, Colorado Springs Department of Utilities, Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 1, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on the Applicant's customer such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. As a municipal utility Applicant is exempt from jurisdiction of this Commission except for the sale of natural gas to another public utility. This is in accordance with 40-3.5-106(3), CRS 1973 as amended by the passage of House Bill No. 1283 on June 17, 1983.
3. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company.
4. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas Company, but it does have jurisdiction over the rates of Colorado Springs Department of Utilities to another public utility.
5. Effective October 1, 1984, Applicant's supplier will decrease its wholesale rates to Applicant by approximately \$31,718, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
6. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by approximately \$31,634.
7. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.
8. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973 and Rule 18 I.B. of the Rules of Practice and Procedure before this Commission.
2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to the customers of the Applicant.
3. Good cause exists for the Commission to allow the proposed decreases on less than thirty (30) days' notice.
4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate order will be entered.

O R D E R

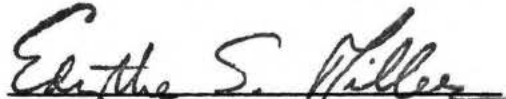


THE COMMISSION ORDERS THAT:

Colorado Springs Department of Utilities shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

APPENDIX A
DECISION NO. C84-1112

| | | | |
|---|--|--|---|
| FORM A-1 City of Colorado Springs Department of Utilities <small>name of utility</small> | | Twentieth Revised Cancels Nineteenth Revised | Colo. PUC No. 2 Sheet No. 17 Sheet No. 17 |
| NATURAL GAS RATES (General Service Classification) | | | |
| PIPELINE SERVICE (Rate Title or Number) | | Company Rate Code | |
| RATE (See Notations) The unit of volume for the purpose of measurement shall be a cubic foot of gas at a temperature base of 60 degrees Fahrenheit, a pressure base of 14.65 pounds per square inch absolute and an average local atmospheric pressure of 11.76 pounds per square inch absolute. Demand - Monthly Charge for the calculated design day demand, per 1,000 cu. ft. | | G1-P RATE \$1.944 | |
| Commodity - Per 1,000 cu. ft. | | \$4.125 | |
| MINIMUM CHARGE The minimum monthly charge shall be the demand charge. | | | |
| PAYMENT The above rates are net. Service bills become due and payable within ten (10) days from date of bill. | | | |
| RULES AND REGULATIONS All service under this schedule shall be subject to the General Service Rules and Regulations of the Department, made a part hereof, and also subject to Special Provisions of this rate schedule, except that Rule 20 shall not apply. | | | |
| NOTATIONS 1. Includes amounts for pass-on of supplier's increases totaling \$.666 per 1,000 cubic feet subject to refund by the FERC. 2. This rate schedule is also subject to the gas rate adjustment rider set forth on Sheet No. 19. 3. In addition to the rate shown, payments in lieu of taxes - franchise fee are surcharged under this rate schedule in the amount of \$.078 per 1000 cu. ft. | | "D" "D" DO NOT WRITE IN THIS SPACE | |

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|--------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF ROCKY MOUNTAIN NATURAL GAS |) | APPLICATION NO. 36569 |
| COMPANY, INC., FOR AN ORDER |) | |
| AUTHORIZING IT TO EFFECT CERTAIN |) | ORDER OF THE COMMISSION |
| DOWNWARD REVISIONS IN GAS RATES |) | AUTHORIZING DOWNWARD REVISIONS |
| UPON LESS THAN STATUTORY NOTICE. |) | OF GAS RATES |

- - - - -
October 1, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 24, 1984, Rocky Mountain Natural Gas Company, Inc., Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 3, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier, Western Slope Gas Company, and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Western Slope Gas Company for Applicant's customers in its North Central Service Area.
3. This Commission has jurisdiction over the wholesale rates of Western Slope Gas Company and the rates of Rocky Mountain Natural Gas Company, Inc.
4. Effective September 18, 1984, Applicant's supplier decreased its wholesale rates to Applicant by approximately \$8850, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$8975, which is a decrease of 0.46%.
6. Applicant's currently authorized rate of return is 13.94%, set in Commission Decision No. C83-1435, dated September 14, 1983.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 14.20%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 13.51%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Rocky Mountain Natural Gas Company, Inc. shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andru Schmidt

Ronald L. Lehn

Commissioners

ROCKY MOUNTAIN NATURAL GAS CO., INC.

name of utility

Colo. PUC No. 3
Sheet No. 2.4
Sheet No. 2.4

APPENDIX A

Cancels

| NATURAL GAS RATES | | | | |
|----------------------------------|-----------|---------------|----------------------------------|-------------------|
| (General Service Classification) | | | | |
| PURCHASED GAS ADJUSTMENT | | | | Company Rate Code |
| (Rate Title or Number) | | | | |
| Rate Schedule | Sheet No. | Rate Area | Purchased Gas Adjustment per Mcf | RATE |
| E-1 | 5 | North Central | \$ (.230) | R |
| E-2 | 10 | North Central | .237 | R |
| D-1R | 7 | Western Slope | .503 | |
| D-1C | 7.1 | Western Slope | .503 | |
| D-2 | 8 | Western Slope | .503 | |

DO NOT WRITE IN THIS SPACE

Advice Letter No. _____ Issue Date _____
Decision or Authority No. C84-1111 Signature of Issuing Officer _____ Effective Date _____
Title _____

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|--------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION) | APPLICATION NO. 36577 |
| OF GREELEY GAS COMPANY FOR AN) | |
| ORDER AUTHORIZING IT TO EFFECT) | ORDER OF THE COMMISSION |
| CERTAIN DOWNWARD REVISIONS IN) | AUTHORIZING DOWNWARD REVISIONS |
| GAS RATES UPON LESS THAN STATUTORY) | OF GAS RATES |
| NOTICE.) | |

- - - - -
October 1, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 26, 1984, Greeley Gas Company, Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 1, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Western Slope Gas Company for Applicant's customers in its Greeley, Salida, Craig, Meeker, Steamboat Springs, and Gunnison, Colorado Divisions.
3. This Commission has jurisdiction over the wholesale rates of Western Slope Gas Company and the rates of Greeley Gas Company.
4. Effective October 1, 1984, Applicant's supplier decreased its wholesale rates to Applicant by approximately \$3,813,230, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$3,813,230, which is a decrease of 10.49%.
6. Applicant's currently authorized rate of return is 11.76%, set in Commission Decision No. C82-1369, dated August 31, 1982.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 23.28%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 6.23%.
9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Greeley Gas Company shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Andrea Schmitt

Ronald L. Lehn

Commissioners

Exhibit F
Page 1 of 2
Colo. PUC No. 6
Sheet No. 36a
Sheet No. 36a

Cancels

Advice Letter No. _____ Issue Date _____

C84-1114

Greeley Gas Company

APPENDIX A

Exhibit F

Page 2 of 2

Colo. PUC No. 6

Sheet No. 90

Sheet No. 90

Cancels

| NATURAL GAS RATES (General Service Classification) | | | | |
|--|-------------|--|------------|-------------------------------|
| GAS RIDER ADJUSTMENT (Rate Title or Number) | | | | Company Rate Code |
| RIDERS TO BASE RATE SCHEDULES FOR CUSTOMERS SERVED FROM WESTERN SLOPE GAS COMPANY SUPPLY | | | | RATE |
| Sheet No. | Rate No. | | | |
| 11 | 01 | Firm Customers, Greeley Division, per CCF | \$(.01156) | D |
| 13 | 05 | Firm Customers, Craig Division, per CCF | .09885 | D |
| 15 | 08 | Firm Customers, Meeker Division, per CCF | .09476 | D |
| 17 | 01 | Engine Irrigation, Greeley Division, per CCF | (.01156) | D |
| 18 | 02 | Interruptible-Small, Greeley Division, per CCF | (.01254) | D |
| 19 | 03 | Interruptible-Large, Greeley Division, per CCF | (.01254) | D |
| 20 | 44 | Interruptible Industrial Service, Craig Division, per CCF at 14.65 psia | .04340 | D |
| 23 | 09 | Firm Customers, Steamboat Springs Division, per CCF | .09017 | D |
| 25 | 26 | Firm Customers, Salida Division, per CCF | .00080 | D |
| 27 | 26 | Interruptible-Small, Salida Division, per CCF | (.00061) | D |
| | | | | DO NOT WRITE IN THIS SPACE |

Advice Letter No.

Issue Date

C84-1114

C84-1114

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|--------------------------------|
| IN THE MATTER OF THE APPLICATION |) | APPLICATION NO. 36576 |
| OF GREELEY GAS COMPANY FOR AN |) | |
| ORDER AUTHORIZING IT TO EFFECT |) | ORDER OF THE COMMISSION |
| CERTAIN DOWNWARD REVISIONS IN |) | AUTHORIZING DOWNWARD REVISIONS |
| GAS RATES UPON LESS THAN |) | OF GAS RATES |
| STATUTORY NOTICE. |) | |

October 1, 1984

S T A T E M E N T

BY THE COMMISSION:

On September 26, 1984, Greeley Gas Company, Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 1, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company for Applicant's customers in its Canon City and Florence Divisions.
3. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas Company, but it does have jurisdiction over the rates of Greeley Gas Company.
4. Effective October 1, 1984, Applicant's supplier decreased its wholesale rates to Applicant by approximately \$221,029, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$221,029, which is a decrease of 2.40%.
6. Applicant's currently authorized rate of return is 11.76%, set in Commission Decision No. C82-1369, dated August 31, 1982.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 11.80%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 7.68%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Greeley Gas Company shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Hyndy Schmitt
Ronald L. Lehn
Commissioners

APPENDIX A

Cancels _____

Sheet No. _____

Sheet No. 91

| NATURAL GAS RATES (General Service Classification) | | | | |
|--|-------------|--|-----------|-------------------------------|
| GAS RIDER ADJUSTMENT (Rate Title or Number) | | | | Company Rate Code |
| RIDERS TO BASE RATE SCHEDULES FOR CUSTOMERS SERVED FROM COLORADO INTERSTATE GAS COMPANY SUPPLY | | | | |
| | | | | RATE |
| Sheet No. | Rate No. | | | |
| 14 | 06 | Firm Customers, Canon City Division, per CCF | \$.02823 | D |
| 21 | 07 | Interruptible-Small, Canon City Division, per CCF | .02090 | D |
| 33 | 33 | Interruptible-Special, Canon City Division, per CCF @ 14.65 | .02630 | D |
| 33A | 35 | Interruptible-Special, Canon City Division, per CCF @ 12.36 | .02090 | D |
| | | | | DO NOT WRITE IN THIS SPACE |

Advice Letter No. _____ Issue Date _____

Decision or Authority No. C84-1115 _____ Signature of Issuing Officer _____ Effective Date _____

name of County _____

Sheet No. 39a

Appendix A

Cancels _____

Sheet No. 39a

| NATURAL GAS RATES (General Service Classification) | | | |
|---|-------------|--|-------------------------------|
| GAS RIDER ADJUSTMENT (Rate Title or Number) | | | Company Rate Code |
| <p style="text-align: center;">RIDERS TO BASE RATE SCHEDULES FOR CUSTOMERS SERVED FROM COLORADO INTERSTATE GAS COMPANY SUPPLY FLORENCE, PENROSE AND PORTLAND AREA</p> | | | RATE |
| | | | |
| | | | |
| | | | |
| | | | |
| Sheet No. | Rate No. | | |
| 39 | 40 | Firm Customers, per CCF | \$.04516 D |
| 40 | 41 | Colorado State Penitentiary Contract, per CCF | .04516 D |
| 41 | 42 | Flinkote Company Contract, per CCF at 14.65 PSIA | .04364 D |
| 42 | 43 | Persolite Corporation Contract, per CCF at 14.65 PSIA | .04364 D |
| | | | DO NOT WRITE IN THIS SPACE |

Advice Letter No. 84-1115

Issue Date _____

Decision or
Authority No. _____

Signature of Issuing Officer _____

Vice President & Treasurer

Effective Date _____

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|--|--------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF EASTERN COLORADO UTILITY COMPANY)) | APPLICATION NO. 36538 |
| FOR AN ORDER AUTHORIZING IT TO) | |
| EFFECT CERTAIN DOWNWARD REVISIONS) | ORDER OF THE COMMISSION |
| IN GAS RATES UPON LESS THAN) | AUTHORIZING DOWNWARD REVISIONS |
| STATUTORY NOTICE.) | OF GAS RATES |

- - - - -
October 1, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 6, 1984, Eastern Colorado Utility Company, Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 1, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company.
3. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas Company, but it does have jurisdiction over the rates of Eastern Colorado Utility Company.
4. Effective October 1, 1984, Applicant's supplier will decrease its wholesale rates to Applicant by approximately \$24,703, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$24,817, which is a decrease of 1.80%.
6. Applicant's currently authorized rate of return is 13.58%, set in Commission Decision No. C84-187, dated February 15, 1984.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 14.02%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 12.01%.
9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

Eastern Colorado Utility Company shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 1st day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Arthur Schmitt
Ronald L. Lehn
Commissioners

EASTERN COLORADO UTILITY COMPANY

name of utility

APPENDIX A

Colo. PUC No. 1 Ex. VII~~Twenty-seventh Revised~~ Sheet No. 4.1Cancels ~~Twenty-Sixth Revised~~ Sheet No. 4.1

| (General Service Classification) | |
|---|-------------------------|
| (Rate Title or Number) | Company Rate Code |
| RIDER TARIFF SHEET | SG-1 |
| | RATE |
| <u>Rate</u> | |
| Rider per Mcf, to decrease residential and commercial general gas service SG-1 Sheet No. 4, towns of Deer Trail, Byers, Strasburg, Bennett and Watkins. | |
| All usage, per 1,000 cf | .090 R |
| DO NOT WRITE IN THIS SPACE | |

Advice Letter No. 63Decision or
Authority No. C84-1116

Signature of Issuing Officer

President

Title

Issue Date August 27, 1984Effective Date October 1, 1984

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|---------------------------------------|----------------------------------|
| IN THE MATTER OF THE APPLICATION OF) | APPLICATION NO. 36547-Securities |
| SAN MIGUEL POWER ASSOCIATION, INC.,) | |
| NUCLA, COLORADO, FOR AUTHORITY TO) | |
| ISSUE SECURITIES IN THE PRINCIPAL) | |
| AMOUNT OF \$546,755 TO NATIONAL) | ORDER OF THE COMMISSION |
| RURAL UTILITIES COOPERATIVE FINANCE) | GRANTING APPLICATION |
| CORPORATION AND THE APPLICATION OF) | |
| THE PROCEEDS THEREFROM FOR CERTAIN) | |
| SPECIFIED PURPOSES) | |

- - - - -
October 2, 1984
- - - - -

PROCEDURE AND RECORD

San Miguel Power Association, Inc., hereinafter referred to as "Applicant" of "San Miguel", filed Application No. 36547-Securities with this Commission on September 10, 1984, seeking authority: (1) to execute a Secured Promissory Note made by Applicant to the National Rural Utilities Cooperative Finance Corporation in the amount of \$546,755 bearing interest at an initial rate of eleven and three fourths percent (11-3/4%) per annum, and payable within thirty-five (35) years after the date thereof; and (2) to execute a Loan Agreement covering advances of \$546,755 dated as of August 1, 1984 between Applicant and the National Rural Utilities Cooperative Finance Corporation.

The Applicant requested a waiver of a public hearing. Inasmuch as an application for authority to issue securities must be disposed of within thirty (30) days after petition for the same is filed, the Commission initially sets the matter for hearing. However, no protests, objections or petitions to intervene have been filed and therefore disposition of this matter may be accomplished pursuant to 40-1-104(3), 40-6-109(5), CRS 1973, and Rule 17 of the Rules of Practice and Procedure of the Public Utilities Commission of the State of Colorado. Accordingly, the hearing initially set by the Commission will be vacated.

FINDINGS OF FACT

After due and careful consideration of the Application in this proceeding, the Commission finds as fact that:

1. The Applicant is a public utility as defined in Section 40-1-103, CRS 1973. It is engaged in the business of purchasing, acquiring, transmitting, distributing, and selling electricity to its consumers on its lines in the Counties of Montrose, San Miguel, Ouray, Dolores, San Juan, Hinsdale, and Mesa in the State of Colorado.
2. The Applicant herein is a corporation organized under the laws of the State of Colorado and its Articles of Incorporation and all amendments thereto, properly certified, are on file with this Commission.
3. This Commission has jurisdiction over the Application and the subject matter of the aforesaid Application.

4. The Applicant needs the loan funds sought to be approved in this Application for the improvement of its electrical properties and distribution facilities, for the improvement and maintenance of its service, and for other lawful purposes.

5. The proceeds of the loan for which approval is sought by the Applicant will be used by Applicant as set forth in Rural Electrification Administration (REA) Form 740C. A copy of REA Form 740C, which has to be approved by REA prior to this filing, has been filed in this Application.

6. Applicant's proposed loan has been approved by the Rural Electrification Administration, National Rural Utilities Cooperative Finance Corporation, and the Board of Directors of Applicant, subject to the approval of this Commission.

7. Accompanying the Application, Applicant filed copies of the following documents.

A. Resolution of the Board of Directors of Applicant approving the loan Application.

B. Secured Promissory Note made by Applicant to the National Rural Utilities Cooperative Finance Corporation.

C. Loan Agreement dated as of August 1, 1984, between Applicant and the National Rural Utilities Cooperative Finance Corporation.

D. Financial and Statistical Report (REA Form 7) containing statement of operations (Part A) and Balance Sheet (Part C) as of July 31, 1984.

E. Statement as to the description and amount of long-term debt outstanding and short-term indebtedness as of the balance sheet date with brief summary of the principal provisions of the indentures and deeds of trust under which such indebtedness was issued.

F. Statement of capital structure and pro forma capital structure as of the balance sheet date, giving effect to the issuance of the proposed securities and showing debt and equity percentages to total capitalization, actual and pro forma.

G. Statement of capital credits as of the balance sheet date, giving capital credits amount, capital credits refunded, and capital credits to be refunded by year.

H. A copy of the Rural Electrification Administration (REA) Form 740C, which is required by REA and gives a cost breakdown in connection with the loan application.

I. A copy of the Rural Electrification Administration (REA) Form 325, which is the financial forecast for the determination of operating expenses, debt and debt service, plant investment and loan fund requirements, operating revenue, load, general funds, statement of operations, pro forma balance sheet, and ratios.

J. Certificate of mailing of notice of Securities Application together with attached notice. Copies of proof of publication in local newspapers were not filed with application, but filed prior to the issuance of this Decision.

8. The Applicant has stated in the Application that it will have adequate earnings coverage for interest requirements on all of its indebtedness which will be outstanding after the borrowing proposed in this Application.

9. The proposed borrowing by Applicant is not inconsistent with the public interest and the purpose or purposes thereof are permitted by law and are consistent with the provisions of Title 40, Colorado Revised Statutes, 1973, as amended, and therefore said proposed loan should be authorized and approved.

10. The public interest does not require a hearing in this matter, and the same is waived pursuant to 40-1-104(3), CRS 1973, as amended.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing Findings of Fact, it is the conclusion of the Commission that the authorization sought in the instant application should be granted as hereinafter set forth.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Each of the following be, and the same hereby are, authorized and approved:

A. The execution of the Loan Agreement between Applicant and the National Rural Utilities Cooperative Finance Corporation;

B. The issuance of the Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$546,755.

2. Nothing herein contained shall be construed to imply any recommendations or guarantee of, or any obligation with regard to said securities on the part of the State of Colorado.

3. The Commission retains jurisdiction of this proceeding, to the end that it may make such further order or orders as to it may seem proper or desirable.

4. Within one hundred twenty (120) days of the execution of the two (2) loan instruments authorized herein, Applicant shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

In the event the issuance of the securities authorized herein is not affected within one hundred and eighty (180) days following the effective date of the Order herein, Applicant shall advise the Commission, in writing, of said fact.

5. The hearing with respect to the within Application, heretofore set for October 3, 1984, be, and hereby is, vacated.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
David Schmitt
Ronald L. Lehn
Commissioners

nrg:5243A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-----------------------------------|---|---------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF MILLER BROS., INC., BOX 1228, |) | |
| GREELEY, COLORADO, FOR AUTHORITY |) | APPLICATION NO. 35532-Extension |
| TO EXTEND OPERATIONS UNDER CERTI- |) | |
| FICATE OF PUBLIC CONVENIENCE AND |) | |
| NECESSITY PUC NO. 2251. |) | |

| | | |
|------------------------------------|---|---------------------------------|
| IN THE MATTER OF THE APPLICATION |) | APPLICATION NO. 34623- |
| OF MILLER BROS., INC., BOX 1228, |) | Clarification |
| GREELEY, COLORADO, FOR AN ORDER OF |) | |
| THE COMMISSION CLARIFYING THE |) | ORDER OF THE COMMISSION DENYING |
| OPERATING RIGHTS CONTAINED UNDER |) | EXCEPTIONS AND ADOPTING THE |
| CERTIFICATE OF PUBLIC CONVENIENCE |) | DECISION OF THE EXAMINER |
| AND NECESSITY PUC NO. 2251. |) | |

- - - - -
October 2, 1984
- - - - -

STATEMENT AND FINDINGS

BY THE COMMISSION:

On June 25, 1984, Hearings Examiner William J. Fritzel entered Recommended Decision No. R84-716 with respect to the above-captioned applications. Examiner Fritzel recommended that both applications be denied.

On August 17, 1984, the Commission extended the time for the filing of exceptions to a date twenty days from the date of the filing of the transcript. On September 10, 1984, the Applicant Miller Bros., Inc. (Miller Bros.) filed "Applicant's Exceptions." On September 20, 1984, Overland Motor Express, Inc., doing business as Boulder-Denver Truck Line (BDT), Globe Transportation Co. (Globe) and Trans-Western Express, Ltd. (TWX), Protestants in the above-captioned consolidated proceedings, submitted "Protestants' Reply to Applicant's Exceptions."

The Commission has considered the recommended decision of the Examiner, the exceptions filed thereto by Miller Bros., and the reply filed by BDT, Globe, and TWX. The Commission states and finds that the decision by the Examiner is legally and factually proper, and should be adopted by the Commission as its own decision. The Commission further finds that the exceptions filed by the Applicant, Miller Bros., does not set forth sufficient factual or legal grounds for making any modification in the Examiner's recommended decision. Accordingly, we conclude that the Applicant's exceptions should be denied.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Applicant's Exceptions" filed by Miller Bros., Inc., on September 10, 1984, directed to Decision No. R84-716, dated June 25, 1984, are denied.

2. Decision No. R84-716, dated June 25, 1984, being the recommended decision of the Examiner with respect to the within applications is adopted by the Commission as its own without any change or modification.

3. The 20-day time period pursuant to C.R.S. 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of this decision.

4. This decision will be effective 30 days from the day and date hereof.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Anders Skovstad
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF -)
COLORADO PUC NO. 5 - TELEPHONE,)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, DENVER, COLORADO)
80202.)

I & S DOCKET NO. 1655

IN THE MATTER OF THE INVESTIGATION)
OF CHANGES IN TARIFF - COLORADO)
PUC NO. 5 - TELEPHONE EFFECTED)
BY THE MOUNTAIN STATES TELEPHONE)
AND TELEGRAPH COMPANY, DENVER,)
COLORADO 80202, PURSUANT TO)
ADVICE LETTER NO. 1930.)

CASE NO. 6360

IN THE MATTER OF THE INVESTIGATION)
OF CHANGES IN TARIFF - COLORADO)
PUC NO. 5 - TELEPHONE EFFECTED)
BY THE MOUNTAIN STATES TELEPHONE)
AND TELEGRAPH COMPANY, DENVER,)
COLORADO 80202, PURSUANT TO)
ADVICE LETTER NO. 1932.)

CASE NO. 6361

COMMISSION ORDER PERTAINING
TO PETITIONS FOR
INTERVENTION AND OTHER
REQUESTED RELIEF

October 2, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 4, 1984, Thomas Hausam (Hausam) filed an untimely petition for intervention in Case No. 6360 and Case No. 6361, and timely application for reconsideration. On September 10, 1984, the Office of Consumer Counsel (OCC) also filed an untimely petition to intervene in said cases.

Hausam states that he had no reason to intervene in this matter as of January 13, 1984, the deadline for intervention, and good cause for his intervention in this proceeding has only recently occurred. Accordingly, Hausam requests that he be granted late leave to intervene. It is also requested by Hausam in his petition that the Commission order refund with interest of the entire \$33.2 million emergency increase, and costs with attorney fees. Hausam contends that the \$33.2 million emergency increase was conditioned on Mountain Bell successfully establishing that it was entitled to at least \$33.2 million of relief in I & S Docket No. 1655. Since I & S No. 1655 was withdrawn, Hausam states that the emergency amount should be refunded.

OCC requests leave for late intervention on the grounds that it was not established until after January 13, 1984, and has only recently become operational. OCC states that it will accept the record and all matters pertaining to consolidated Case Nos. 6360 and 6361 as they exist at the time of its intervention.

The Commission finds, because I & S Docket No. 1655 is closed, it would be inappropriate to permit Hausam to intervene in that docket. However, Cases No. 6360 and No. 6361 are ongoing and therefore OCC and Hausam should be permitted to intervene in these dockets even though the petitions are late filed. OCC was not in existence at the time Cases No. 6360 and No. 6361 were instituted. Moreover, as a discretionary matter we find that no harm to the parties will result if Hausam is also allowed to intervene, so long as he takes these cases as he finds them at the time of intervention. It is pointed out that resolution of the \$33.2 million emergency increase, which is the subject matter of Case No. 6361 has not yet been decided by the Commission. The Commission has the option of proceeding with Cases No. 6360 and No. 6361 as presently constituted, or it may elect to defer further action in these cases until they can be consolidated with Mountain Bell's next general rate case.

Hausam also requests reconsideration of Decision No. C84-897, pertaining to I & S Docket No. 1655 and Cases Nos. 6360 and 6361. This request will be stricken as to I & S Docket 1655 because Hausam is not herein accorded intervenor status in said proceeding, and thus has no standing to request reconsideration thereof. The request for reconsideration as it pertains to Case Nos. 6361 and 6360 will be stricken because these cases are ongoing and reconsideration thereof is now premature.

The request for refund of \$33.2 million emergency increase will be denied at this stage of the proceedings because the merits of the refund of the emergency increase and all other matters relevant thereto will be considered in Case Nos. 6360 and 6361. The request for costs with attorneys' fees will be denied because this request does not comply with the Commission's three criteria for award of costs and attorney fees.

THEREFORE THE COMMISSION ORDERS THAT:

1. The untimely petitions of Thomas Hausam filed September 4, 1984, and Office of Consumer Counsel filed September 10, 1984, to intervene in Case Nos. 6360 and 6361 are granted.
2. Thomas Hausam and Office of Consumer Counsel are hereby accorded the status of intervenor in Case No. 6360 and 6361, and shall take the record pertaining to Consolidated Case Nos. 6360 and 6361 as it exists at the time of their intervention.
3. The request of Thomas Hausam filed September 4, 1984, for attorneys' fees and costs and other relief is denied and Hausam's application for reconsideration filed September 4, 1984 is stricken.
4. The request of Thomas Hausam filed September 4, 1984, for refund of \$33.2 million emergency increase is denied.

5. This Order is effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Arthur Schmitt

Ronald L. Lehn

Commissioners

lv:5232A

(Decision No. C84-1120)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|-------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF NEWVECTOR COMMUNICATIONS, INC.,) | APPLICATION NO. 36361-Amended |
| 3350 - 161ST AVENUE, S.E. BELLEVUE,) | |
| WASHINGTON 98008 FOR AN ORDER) | COMMISSION ORDER |
| PURSUANT TO C.R.S. §§30-28-110) | GRANTING ABEYANCE |
| (1)(c) AND 30-28-127 REGARDING) | |
| CONSTRUCTION OF UTILITY FACILITIES.) | |

- - - - -
October 2, 1984
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STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 17, 1984, Applicant NewVector Communications, Inc., (NewVector), and Intervenor the Board of County Commissioners of Boulder County, Colorado, (Boulder), jointly filed a motion for an order placing Application No. 36361 in abeyance. NewVector and Boulder allege that NewVector seeks a Commission order authorizing construction of cellular mobile telecommunications facilities in the County of Boulder. The parties further allege that NewVector and Boulder have entered into an interim settlement agreement for construction of cellular facilities on a temporary and permanent basis. It is further stated by NewVector and Boulder that an application has been filed with Boulder County seeking zoning approval for the proposed permanent cellular antenna site, and should approval be granted, this application will become moot and can be dismissed. However, should zoning approval be denied, NewVector will request that the application be reset for hearing.

The Commission finds that the joint motion of NewVector and Boulder sets forth good grounds for the granting thereof. Application No. 36361 should be abated pending resolution or resetting of the application, and scheduled hearing of November 26, 1984, will be vacated.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Joint Motion for Order Placing Proceeding in Abeyance, filed on September 17, 1984, by NewVector Communications, Inc., and the Board of County Commissioners of the County of Boulder, Colorado, is granted.
2. Application No. 36361 is placed in abeyance pending the filing of a motion to dismiss, or resetting for hearing.
3. Hearing of November 26, 1984, in Application No. 36361 is vacated.

4. This Order is effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Anders Skovist

Ronald L. Lehn

Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GTE SPRINT COMMUNICATIONS)
CORPORATION FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY) APPLICATION NO. 36360
TO OFFER INTERCITY TELECOMMUNI-)
CATIONS SERVICES TO THE PUBLIC IN)
THE STATE OF COLORADO AND FOR THE)
ESTABLISHMENT OF INITIAL RATES.)

IN THE MATTER OF THE APPLICATION OF)
MCI TELECOMMUNICATIONS CORPORATION)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO OFFER) APPLICATION NO. 36337
INTRASTATE TELECOMMUNICATIONS)
SERVICES TO THE PUBLIC IN THE)
STATE OF COLORADO.)

IN THE MATTER OF THE APPLICATION)
OF MCI TELECOMMUNICATIONS CORPOR-)
ATION FOR TEMPORARY AUTHORITY TO) APPLICATION NO. 36338-TA
OFFER INTRASTATE TELECOMMUNICATIONS)
SERVICES TO THE PUBLIC IN THE STATE)
OF COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
GTE SPRINT COMMUNICATIONS CORPOR-)
ATION FOR TEMPORARY AUTHORITY TO) APPLICATION NO. 36448-TA
OFFER INTERCITY INTERLATA TELECOM-)
MUNICATIONS SERVICES TO THE PUBLIC)
IN THE STATE OF COLORADO.)

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN UNION TELEGRAPH)
COMPANY FOR AUTHORITY TO PROVIDE) APPLICATION NO. 36456
INTEREXCHANGE SWITCHED VOICE TELE-)
COMMUNICATIONS SERVICE ON AN INTER-)
LATA BASIS IN THE STATE OF COLORADO.)

AT&T COMMUNICATIONS OF THE MOUNTAIN)
STATES, INC.)

Complainant,)

vs.)

CASE NO. 6386

MCI TELECOMMUNICATIONS CORPORATION,)
GTE SPRINT COMMUNICATIONS CORPORA-)
TION AND THE MOUNTAIN STATES TELE-)
PHONE AND TELEGRAPH COMPANY, INC.)
et al.)

Respondents.)

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN UNION TELEGRAPH)
COMPANY FOR TEMPORARY AUTHORITY TO)
PROVIDE INTEREXCHANGE SWITCHED VOICE)
TELECOMMUNICATIONS SERVICE ON AN)
INTERLATA BASIS IN THE STATE OF)
COLORADO.)

APPLICATION NO. 36491-TA
COMMISSION ORDER GRANTING
MOTION TO CONSOLIDATE

October 2, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 11, 1984, The Mountain States Telephone and Telegraph Company (Mountain Bell) filed a motion to consolidate Application No. 36491-TA with Case No. 6386 and Application Nos. 36456, 36360, 36448-TA, 36337, and 36338-TA. Mountain Bell states that the issues and parties to all of these proceedings are essentially identical, and the rights of the parties to these proceedings will not be prejudiced by such consolidation.

On September 17, 1984, Western Union Telegraph Company, the Applicant in Application No. 36491-TA filed its response to Mountain Bell's motion to consolidate. Western Union states that it has no objection to the proposed consolidation of Western Union's Application No. 36491-TA.

The Commission finds that Mountain Bell's motion to consolidate should be granted because the issues and parties to these proceedings are substantially identical, and no parties will be prejudiced by consolidation. Moreover, the Commission finds that consolidation as requested will assist in the orderly handling of the matters herein consolidated.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Motion to Consolidate filed by The Mountain States Telephone and Telegraph Company on September 11, 1984, is granted.

2. Application No. 36491-TA is consolidated with Case No. 6386 and Application Nos. 36456, 36360, 36448-TA, 36337, and 36338-TA for hearing upon joint record.

3. This Order is effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Arthur Schmitt
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|----------------------------------|---|------------------------------|
| RE: INVESTIGATION AND SUSPENSION |) | INVESTIGATION AND SUSPENSION |
| OF PROPOSED CHANGES IN TARIFF -- |) | DOCKET NO. 1668 |
| COLORADO PUC NO. 1 - TELEPHONE, |) | |
| UNION TELEPHONE COMPANY |) | ORDER SUSPENDING EFFECTIVE |
| MOUNTAIN VIEW, WYOMING. |) | DATE OF TARIFFS AND NOTICE |
| |) | OF HEARING |

October 2, 1984

IMPORTANT NOTICE: ANY PERSON DESIRING TO TESTIFY OR MAKE A STATEMENT ONLY MAY DO SO SIMPLY BY APPEARING AT THE PUBLIC HEARING. THE LAW REQUIRES THAT ANY PERSON DESIRING TO ASK QUESTIONS OF A WITNESS, OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF A PROTEST ALREADY HAS BEEN FILED). ANYONE DESIRING TO INTERVENE SHOULD READ THIS NOTICE CAREFULLY AND FOLLOW THE DIRECTIONS FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION, PLEASE CALL 866-2370 (PUC CONSUMER OFFICE.)

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1984, Union Telephone Company (hereinafter Union or Respondent) filed its Advice Letter No. 7, dated September 15, 1984, accompanied by 68 tariff sheets as specifically set forth in Tariff Colorado PUC No. 1.

Union stated the purpose of the filing is to provide for a minimal rate of return and to remove extension rates resulting from deregulation of customer-premise equipment.

Union further requested that the tariffs become effective on October 15, 1984.

Pursuant to the provisions of CRS 40-6-111(1), as amended, the Commission may, at its discretion, set the said tariff for hearing, which has the effect of suspending the effective date of the tariff for a period of 120 days. The same statute also provides that the Commission may, in its discretion by separate order, suspend the effective date of the tariff for an additional 90 days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariff extends for a maximum period of 210 days, or in this docket, until May 11, 1985. If no new rates are established by the Commission prior to the expiration of the first suspension period of 120 days, or February 12, 1985, the tariff filed by Union will become effective by operation of law. In the event the Commission further suspends the effective date of the tariff for an additional 90 days, by separate order, in that event, if no new rates are established by the Commission on or before May 11, 1985, the tariff filed by Union will become effective by operation of law.

The Commission states and finds that it should set the herein proposed tariff provisions for hearing and suspend the effective date thereof because of the important impact on the customers of Union using telephone service. The Commission further finds that the filed tariffs herein may be improper because of the substantial increase in rates and possible lack reliable financial information.

The Commission further states and finds that:

Any person, firm or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission in accordance with the order herein.

Any person, firm or corporation who previously has filed a protest to the tariff or tariffs herein, and who desires to participate as an intervenor with full rights of participation in the hearing hereinafter set, shall file a motion to intervene in accordance with the order herein.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matter with respect to the tariff filed by Union Telephone Company under its Advice Letter No. 7 is, set for hearing as follows:

DATE: Tuesday, December 4, 1984

TIME: 9:00 a.m.

PLACE: Auditorium
Moffat County Courthouse
221 West Victory Way
Craig, Colorado

2. Any person, firm or corporation (including, if any, those who previously have filed a protest to the proposed tariff or tariffs) desiring to intervene as a party in the within proceeding shall file a motion to intervene with the Commission on or before November 2, 1984, and shall serve a copy of said motion on the respondent herein and/or its counsel of record.

3. The effective date of the tariff sheets filed by Union Telephone Company on September 14, 1984, pursuant to its Advice Letter No. 7, dated September 15, 1984, be, and hereby is, suspended for 120 days until February 12, 1985, or until further order of the Commission.

4. Respondent be, and hereby is, directed to file with the Executive Secretary of the Commission (for prehearing use of the Commission staff) six copies of all exhibits and direct testimony (or summaries thereof) on or before November 15, 1984. Additionally, on or before November 15, 1984, Respondent shall furnish a copy of all exhibits and direct testimony (or summaries thereof) to each party of record or its counsel. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

5. All prehearing motions, of whatever nature, shall be filed on or before November 15, 1984 and, except for good cause shown, no prehearing motion shall be filed subsequent thereto.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmitt
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-----------------------------------|---|---------------------------------------|
| IN THE MATTER OF THE APPLICATION |) | APPLICATION NO. 36520-PP-Extension-TA |
| OF LEMONS HOUSE MOVING, INC. FOR |) | |
| TEMPORARY AUTHORITY TO EXTEND |) | ORDER DENYING |
| OPERATIONS UNDER CONTRACT CARRIER |) | |
| PERMIT NO. B-9341. |) | TEMPORARY AUTHORITY |

- - - - -
October 2, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 28, 1984, Lemons House Moving, Inc. filed Application No. 36520-PP for temporary authority to extend operations under Contract Carrier Permit No. B-9341 to include the transportation of prefabricated modular housing units, component parts of said units and buildings in sections mounted on wheeled undercarriages or readily adaptable to being mounted on wheeled undercarriages, between the facilities of Sun Built Homes, Inc. in Lafayette, Colorado and all points in Colorado. Restricted to rendering transportation services for the following named customer only, to wit: Sun Built Homes, Inc., Lafayette, Colorado.

Proper notice of said application was given by the Commission on September 10, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The applicant has failed to file any supporting evidence with the application upon which the Commission might conclude that an immediate or urgent need exists for the relief sought.
3. There is no immediate or urgent need for the relief sought.

CONCLUSIONS ON FINDINGS FACT

Premises considered, the Commission concludes that the instant application for temporary authority is not in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

1. The application is denied.

2. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmitt
Ronald L. Lehn
Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF THE DENVER AND RIO GRANDE)
WESTERN RAILROAD COMPANY TO ABOLISH)
THE FOLLOWING AT-GRADE CROSSINGS IN)
THE CITY OF CANON CITY, COUNTY OF)
FREMONT, STATE OF COLORADO: MILE)
POST 158.61, GREYDENE AVENUE; MILE)
POST 158.99, ORCHARD AVENUE; MILE)
POST 159.50, 15TH STREET; MILE POST)
159.83, 11TH STREET; MILE POST)
160.08, 8TH STREET; AND MILE POST)
160.47, 3RD STREET.)

APPLICATION NO. 33476

IN THE MATTER OF THE APPLICATION)
OF THE CITY COUNCIL OF THE CITY OF)
CANON CITY, COLORADO, FOR AUTHORITY)
TO SIGNALIZE THE CROSSING OF THE)
DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY AT RAYNOLDS AVENUE)
IN CANON CITY, COLORADO.)

APPLICATION NO. 34360

INTERIM ORDER OF
EXAMINER ARTHUR G. STALIWE

VACATING AND RESETTING HEARING DATE

October 3, 1984

STATEMENT

This matter comes before the Examiner upon the motion of Staff, requesting that the hearing in this matter currently scheduled for October 10, 1984, be vacated. As grounds therefor, Staff indicates that it is unable to participate on October 10, 1984, due to a conflict with another hearing. Good grounds having been shown, the Examiner will vacate the hearing currently scheduled for October 10, 1984, and set it over to the next available date on the Commission's calendar.

ORDER

THE EXAMINER ORDERS THAT:

1. The hearing in this matter currently scheduled for October 10, 1984, is hereby vacated.

2. This matter is rescheduled as follows:

DATE: Thursday, December 27, 1984

TIME: 10:00 a.m.

PLACE: Auditorium
Basement Fremont County Courthouse
Sixth and Macon
Canon City, Colorado

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur G. Stalwe
Examiner

nrg:5207A

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN UNION TELEGRAPH) APPLICATION NO. 36456
COMPANY FOR AUTHORITY TO PROVIDE)
INTEREXCHANGE SWITCHED VOICE TELE-)
COMMUNICATIONS SERVICE ON AN INTER-)
LATA BASIS IN THE STATE OF COLORADO.)

AT&T COMMUNICATIONS OF THE MOUNTAIN)
STATES, INC.) CASE NO. 6386

Complainant,

vs.

MCI TELECOMMUNICATIONS CORPORATION,)
GTE SPRINT COMMUNICATIONS CORPORA-)
TION AND THE MOUNTAIN STATES TELE-)
PHONE AND TELEGRAPH COMPANY, INC.)
et al.)

Respondents.

IN THE MATTER OF THE APPLICATION)
OF GTE SPRINT COMMUNICATIONS) APPLICATION NO. 36360
CORPORATION FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO OFFER INTERCITY TELECOMMUNI-)
CATIONS SERVICES TO THE PUBLIC IN)
THE STATE OF COLORADO AND FOR THE)
ESTABLISHMENT OF INITIAL RATES.)

IN THE MATTER OF THE APPLICATION OF)
MCI TELECOMMUNICATIONS CORPORATION) APPLICATION NO. 36337
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO OFFER) ORDER OF THE COMMISSION
INTRASTATE TELECOMMUNICATIONS) GRANTING MOTION FOR A
SERVICES TO THE PUBLIC IN THE) PROTECTIVE ORDER AND GRANTING
STATE OF COLORADO.) MOTION FOR LEAVE TO FILE STAFF
TESTIMONY AND EXHIBITS IN
SUMMARY FORM

- - - - -
October 2, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 25, 1984, Mountain States Telephone and Telegraph Company filed a motion for a protective order in the above captioned cases.

On September 26, 1984, the Staff of the Commission filed a "Motion for Leave to File Staff Testimony and Exhibits in Summary Form."

The Commission finds that because of the limited period of time before hearings commence in the above-captioned matters, to wit, October 31, 1984, that it would not be feasible for the Commission to wait to act upon the two foregoing motions until the ten-day response time for motions has run. Accordingly, the Commission finds that it is in the public interest that response time be waived and that it act upon the within motions immediately.

The Commission states and finds that it would be appropriate to enter the protective order generally in the form as proposed by Mountain Bell. The Commission also finds that in view of the short time frame involved, that the reasons set forth by the Staff in its motion for permission to file its testimony and exhibits in summary form is proper and should be granted.

O R D E R

THEREFORE THE COMMISSION ORDERS THAT:

1. The "Motion for Protective Order" filed by the Mountain States Telephone and Telegraph Company on September 25, 1984 is granted in accordance with the decision and order herein.

2. The "Motion for Leave to File Staff Testimony and Exhibits in Summary Form," filed on September 26, 1984, is granted and the Staff shall file its prehearing testimony and exhibits in summary form which will set forth its positions relative to the various issues and exhibits in support of its positions.

PROTECTIVE PROVISIONS PERTAINING TO CONFIDENTIAL INFORMATION

3. Confidential Information. All documents, data information, studies and other matters furnished pursuant to any interrogatories or requests for information, subpoenas, depositions, or other modes of discovery that are claimed to be a trade secret or confidential in nature shall be furnished pursuant to the terms of this Order, and shall be treated by all persons accorded access thereto pursuant to this Order as constituting trade secret, confidential commercial and financial information (hereinafter referred to as "Confidential Information"), and shall neither be used or disclosed except for the purpose of this proceeding, and solely in accordance with this Order.

4. Use of Confidential Information and Persons Entitled to Review. All Confidential Information made available pursuant to this Order shall be given solely to counsel for the parties, and shall not be used or disclosed except for purposes of this proceeding; provided, however, that access to any specific Confidential Information may be authorized by said counsel, solely for the purpose of this proceeding, to those persons indicated by the parties as being their experts in this matter. Any such expert may not be an officer, director, employee (except legal counsel) of the parties, or an officer, director, employee or stockholder or member of an association or corporation of which any party is a member, subsidiary or affiliate. Any member of the Staff of the Commission may have access to any Confidential Information made available under the terms of this Order.

5. Nondisclosure Agreement. No access to Confidential Information shall be authorized under the terms of paragraph 4 of this Order until the person authorized by counsel to have access signs a Nondisclosure Agreement in the form that is attached hereto and incorporated herein as "Appendix A." The Nondisclosure Agreement (Appendix "A") shall require the person to whom disclosure is to be made to certify in writing that they have read this Order and agree to be bound by its terms. The agreement shall contain the signatory's full name, permanent address and

employer, and the name of the party with whom the signatory is associated. Such agreement shall be delivered to counsel for the providing party and the Commission at the time of review of the documents, or as soon thereafter as practicable.

6. Delivery of Documentation. Where feasible, Confidential Information will be marked as such and delivered to counsel. In the alternative, the Confidential Information may be made available for inspection and then reviewed by counsel and experts as defined in paragraph 26 herein in a place and time mutually agreed on by the parties, or as directed by the Commission.

7. Challenge to Confidentiality. This Order establishes a procedure for the expeditious handling of information that a party claims is confidential; it shall not be construed as an agreement or ruling on the confidentiality of any such document.

(a) A party seeking to challenge the confidentiality of any materials pursuant to this Order shall first contact counsel for the providing party and attempt to resolve any differences by stipulation.

(b) In the event that the parties cannot agree as to the character of the information challenged, any party challenging the confidentiality shall do so by appropriate pleading. This pleading shall:

- (1) Designate the document, transcript or other material challenged in a manner that will specifically isolate the challenged material from other material claimed as confidential; and
- (2) State with specificity the grounds upon which the documents, transcript or other material are deemed to be nonconfidential by the challenging party.

(c) The providing party shall have ten days to respond to said pleading.

(d) When the Commission receives a pleading raising the question of whether any documents, data, information or studies claimed by a party to be not entitled to treatment as Confidential Information under the terms of this Order, the Commission will enter an order resolving said issue.

(e) In the event the Commission should rule in response to such a pleading that any information should be removed from the protective requirements of this Order or from the protection of the sealed record, the parties, at the request of the providing party and to enable the providing party to seek a stay or other relief, shall not disclose such information or use it in the public record for five business days.

8. Receipt into Evidence. Provision is hereby made for receipt of evidence in this proceeding under seal. At least ten days prior to the use of or substantive reference to any Confidential Information as evidence, the party intending to use such Information shall make that intention known to the providing party. The requesting party and the providing party shall make a good faith effort to reach an agreement so the information can be used in a manner which will not reveal its trade secret, confidential or proprietary nature. If such efforts fail, the providing party shall separately identify, within five business days, which portions, if any, of the documents to be offered or referenced on the record containing Confidential Information shall be placed in the sealed record. Only one copy of documents designated by

the providing party to be placed in the sealed record shall be made and only for that purpose. Otherwise, parties shall make only general references to Confidential Information in these proceedings.

(a) Seal. While in the custody of the Commission, these materials shall be marked "CONFIDENTIAL--SUBJECT TO PROTECTIVE ORDER IN APPLICATIONS NO. 36456, NO. 36360, NO. 36337 and CASE NO. 6386."

(b) Appeal. Sealed portions of the record in this proceeding may be forwarded to any court of competent jurisdiction on appeal in accordance with applicable rules and regulations, but under seal as designated herein for the information and the use of the Court.

(c) Data Requests. This procedure shall apply to data requests made during hearing and received thereafter. Resolution of dispute shall be by appropriate hearing thereafter, upon notice.

9. Use in Pleadings. Where reference to Confidential Information in the sealed record is required in pleadings, cross-examinations, briefs, argument or motions, (except as provided in paragraph 8), it shall be by citation or title or exhibit number or by some other description that will not disclose Confidential Information. Any further use of or substantive references to Confidential Information shall be placed in a separate section of the pleading or brief and submitted to the Commission under seal.

10. Segregation of Files. Those parts of any writing, depositions reduced to writing, written examinations, interrogatories and answers thereto, or other written references to Confidential Information in the course of discovery, if filed with the Commission, will be sealed by the Secretary of the Commission, segregated in the files of the Commission, and withheld from inspection by any person not bound by the terms of this Order, unless such Confidential Information is released from the restrictions of this Order either through agreement of the parties or, after notice to the parties and hearing, pursuant to the Order of the Commission and/or final order of a Court having jurisdiction.

11. Preservation of Confidentiality. All persons who may be entitled to receive, or who are afforded access to any Confidential Information by reason of this Order shall neither use nor disclose the Confidential Information for purposes of business or competition, or any other purpose other than the purposes of preparation for and conduct of this proceeding, and then solely as contemplated herein, and shall take all reasonable precautions to keep the Confidential Information secure and in accordance with the purposes and intent of this Order. No party receiving Confidential Information pursuant to this Order may copy, microfilm, microfiche or otherwise reproduce such Confidential Information without the written consent of the providing party.

12. Reservation of Rights. The parties hereto further retain the right to question, challenge, and object to the admissibility of any and all data, information, studies, and other matters furnished under the terms of the Protective Order on the grounds of relevancy or materiality.

13. Non-Waiver. This order shall in no way constitute a waiver of the rights of any party herein to contest any assertion or finding of trade secret, confidentiality or privilege, and to appeal any such determination of the Commission or such assertion by a party.

14. Scope. The provisions of this order are specifically intended to apply to data or information supplied by or from any party to this proceeding, and any nonparty that supplies documents pursuant to process issued by this Commission.

15. Retention of Documents. Upon request of the entity providing such confidential information, at the conclusion of these proceedings, all documents and information subject to this order, including any copies or extracts or summaries thereof, or documents containing information therefrom, shall be returned to the party producing them. No copy thereof shall be retained.

16. Remedies. Any party hereto retains all remedies existing at civil or criminal law for breach of this protection order, and no provision herein shall be construed to be a waiver of those rights.

17. This Decision and Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andres Schmitt
Ronald L. Lehn
Commissioners

APPENDIX "A"

(Decision No. C84-1125)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN UNION TELEGRAPH) APPLICATION NO. 36456
COMPANY FOR AUTHORITY TO PROVIDE)
INTEREXCHANGE SWITCHED VOICE TELE-)
COMMUNICATIONS SERVICE ON AN INTER-)
LATA BASIS IN THE STATE OF COLORADO.)

AT&T COMMUNICATIONS OF THE MOUNTAIN)
STATES, INC.) CASE NO. 6386

Complainant,)

vs.)

MCI TELECOMMUNICATIONS CORPORATION,)
GTE SPRINT COMMUNICATIONS CORPORA-)
TION AND THE MOUNTAIN STATES TELE-)
PHONE AND TELEGRAPH COMPANY, INC.)
et al.)

Respondents.)

IN THE MATTER OF THE APPLICATION)
OF GTE SPRINT COMMUNICATIONS) APPLICATION NO. 36360
CORPORATION FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO OFFER INTERCITY TELECOMMUNI-)
CATIONS SERVICES TO THE PUBLIC IN)
THE STATE OF COLORADO AND FOR THE)
ESTABLISHMENT OF INITIAL RATES.)

IN THE MATTER OF THE APPLICATION OF)
MCI TELECOMMUNICATIONS CORPORATION) APPLICATION NO. 36337
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO OFFER)
INTRASTATE TELECOMMUNICATIONS)
SERVICES TO THE PUBLIC IN THE)
STATE OF COLORADO.)

NONDISCLOSURE AGREEMENT

I hereby agree that I have read the Protective Order entered by
the Commission in the above-captioned case (Decision No. C84-1125), and
agree to be bound by the terms thereof.

Name (Print or type)

Employer of Firm

Business Address

Party in Case

Date

Signature

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|------------------------------------|---|---------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| THE PHILLIPS COUNTY COMMISSIONERS, |) | |
| 221 S. INTEROCEAN, HOLYOKE, COLO- |) | |
| RADO, FOR THE AUTHORITY TO INSTALL |) | APPLICATION NO. 36377 |
| AUTOMATIC FLASHING LIGHT SIGNALS |) | |
| WITH BELLS AND GATES AT THE CROSS- |) | RECOMMENDED DECISION OF |
| ING OF THE BURLINGTON NORTHERN |) | EXAMINER ROBERT E. TEMMER |
| RAILROAD COMPANY'S BRANCH LINE AND |) | |
| PHILLIPS COUNTY ROAD 53, AT THE |) | |
| EAST EDGE OF THE UNINCORPORATED |) | |
| COMMUNITY OF AMHERST, PHILLIPS |) | |
| COUNTY, COLORADO. |) | |

- - - - -
October 9, 1984
- - - - -

Appearances: Elpen Wahl, Esq., Holyoke,
Colorado, for Applicant

John L. Pilon, Esq., Denver,
Colorado, for Burlington
Northern Railroad Company

STATEMENT

The above entitled application was filed with this Commission on June 11, 1984, requesting authority to install automatic flashing light signals with bell and gates at the crossing of the Burlington Northern Railroad Company's branch line and Phillips County Road 53.

The Commission issued its notice of application filed and order setting hearing on June 20, 1984, which ordered that the matter would be heard on Thursday, July 26, 1984, at 9:00 a.m. in the Community Room in the basement of the Phillips County Courthouse, 221 S. Interocean Avenue, Holyoke, Colorado. Decision No. R84-809-I was issued July 17, 1984, changing the time of the hearing from 9:00 a.m. to 10:00 a.m. The hearing was held at that time and place by the undersigned Examiner to whom the matter had been duly assigned. Witnesses were presented on behalf of the county and on behalf of the railroad. Exhibits 1 and 2 were marked for identification and were admitted into evidence. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of CRS 40-6-109, the Examiner herewith transmits to the Commission the record and exhibits of this proceeding along with this written Recommended Decision.

FINDINGS OF FACT AND CONCLUSIONS THEREON

Based upon all the evidence of record, the following facts are found and conclusions thereon are drawn:

1. The subject crossing is located at the intersection of Phillips County Road 53 and the branch line of the Burlington Northern Railroad Company at Amherst, Colorado. Amherst is an unincorporated community in Phillips County.

2. The Burlington Northern Branch line at the location runs northeast and southwest. County Road 53 runs north and south, but just south of the crossing it curves northwest, so that at the point of crossing County Road 53 is at approximately right angles with the Burlington Northern track. It is a 26 foot wide oiled roadway. It proceeds northwest from the crossing to its intersection with Colorado Highway No. 176, which is approximately 150 feet northwest of the Burlington Northern branch track.

3. There is the main Burlington Northern track and a siding at the crossing. The distance is approximately 55 feet between the center line of the main track and the center line of the siding. The Amherst Coop. grain elevator is located at the southwest corner of the crossing. It is a visual barrier.

4. The present protection at the crossing consists of crossbuck warning signs and advance highway warning signs.

5. Traffic proceeding to the north on Colorado 53 is not able to see to the west along the Burlington Northern track because of the elevator. If there are any cars on the siding to the east of County Road 53, vision to the east can also be blocked.

6. County Road 53 is a connector road with Highway 6. It carries a significant amount of truck traffic. Truck traffic is the heaviest during harvest time which is during July for the wheat harvest and during the fall for the corn harvest. During the harvest, as many as 300 trucks a day may use the crossing to go to the elevator. Trucks hauling grain out of the elevator also use the crossing. School buses use the crossing during the school year.

7. There was an accident at the crossing on August 26, 1983, when a pickup truck and a train collided. Minor injuries were received in this accident.

8. The train traffic on the main line at this crossing generally consists of two trains each way, each day. This can increase to six total trains per day. The maximum train speed at the crossing is 49 miles per hour, except for loaded coal trains which have a maximum speed of 40 miles per hour.

9. There are no federal funds available for the protection of this crossing.

10. The railroad proposes to install standard flashing light signals with gates, bell and motion detection equipment at the crossing of County Road 53 and the main line. It proposes that the siding not be included in the area between the gates. The railroad would maintain the protective devices for their life. The protective devices proposed by the railroad would cost approximately \$60,000 and would require 6 to 9 months to install. The railroad also proposes to issue a bulletin to train crews that will require them to protect their movements at the siding and to erect crossbucks at the siding. This will require a crew member to be on the ground stopping vehicular traffic when trains move across the siding crossing.

The reason the railroad proposes to only have the main line within the automatic signals is that it has experienced difficulty in situations where a siding was within the signals because of railroad cars being placed too close to the crossing on the siding during loading operations, which activates the signals and leaves the gates in the down position. This happens when the cars are moved so close to the crossing

that the motion detection is in effect overridden and will not allow the gates to come up until the cars are physically moved. The proposal of the railroad would require a crew member from the train crew to be on the ground to flag vehicles at the crossing every time a train would move across the siding crossing. This, in connection with crossbucks, would adequately protect the public. The proposed protective devices at the crossing of the mainline on County Road 53 will be adequate and suitable for the protection of the public.

10. The evidence does not establish that the Burlington Northern Railroad Company will receive any benefits in excess of what would be compensated for by assessing it the statutory minimum. It should only be assessed or allocated the statutory minimum. Phillips County will receive some benefit, but, in general, the benefit will be to the traveling public. Phillips County should only be assessed 5% of the cost of the warning devices. The remainder should be allocated to the highway crossing protection fund.

11. Pursuant to the provisions of CRS 40-6-109, it is recommended by the examiner that the following order be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 36377 entitled "In the Matter of the Application of the Phillips County Commissioners, 221 S. Interoccean, Holyoke, Colorado, for authority to install automatic flashing light signals with bells and gates at the crossing of the Burlington Northern Railroad Company's branch line and Phillips County Road 53, at the east edge of the unincorporated community of Amherst, Phillips County, Colorado," is granted. The County of Phillips and The Burlington Northern Railroad Company are hereby authorized to install safety devices at the crossing, consisting of automatic flashing lights with gates, bell and motion detection equipment, at the said crossing. Crossbucks shall be installed at the crossing of County Road 53 and the siding. The Burlington Northern Railroad Company shall issue a bulletin to the trainmen to protect their movements across County Road 53 on the siding as set forth in the findings of fact above.

2. The operation and maintenance of the crossing protective devices shall be done by the Burlington Northern Railroad Company at its own expense for the life of the crossing so protected.

3. The signal devices and installation thereof shall be in accordance with Part VIII of the Manual on Uniform Traffic Control Devices, Traffic Control Systems, For Railroad/Highway Grade Crossings.

4. The total actual cost of labor and material required for the installation of the grade crossing warning devices (estimated to be \$60,000) shall be allocated as follows:

A. Burlington Northern Railroad Company shall be allocated 20% thereof.

B. The County of Phillips shall be allocated 5% thereof.

C. The remaining 75% shall be allocated to and paid from the highway crossing protection fund.

5. Upon completion of the installation of the grade crossing warning devices ordered herein, Burlington Northern Railroad Company shall notify the Commission in writing within 10 days of the initial

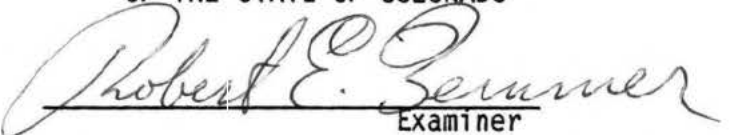
operation of said warning devices, and if said devices are not installed within 9 months of the effective date of this order, said company shall notify this Commission in writing and give a progress report stating the expected completion date thereof.

6. The Commission hereby retains jurisdiction of this application to make such further order or orders as may be required.

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|-------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF IOWA ELECTRIC LIGHT AND POWER |) | APPLICATION NO. 36336-Amended |
| COMPANY FOR AN ORDER AUTHORIZING |) | |
| IT TO EFFECT CERTAIN UPWARD |) | INTERIM ORDER BY |
| REVISIONS IN GAS RATES UPON LESS |) | EXAMINER THOMAS F. DIXON |
| THAN STATUTORY NOTICE. |) | |

October 5, 1984

STATEMENT

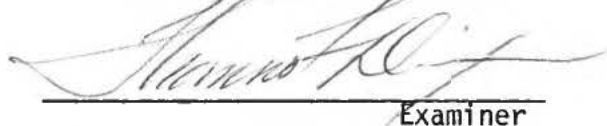
By order issued June 11, 1984, this matter is presently set for hearing on October 17, 1984, at 9:00 a.m., in the Commission Hearing Room, Denver, Colorado. On July 10, 1984, the Commission issued Decision No. C84-784, which authorized the upward revision of gas rates in this matter. On September 7, 1984, the Staff of the Commission filed a Motion to Vacate Hearing asserting that Decision No. C84-784 resolves all issues in controversy in this matter and that a hearing is no longer necessary. A review of Decision No. C84-784 supports Staff's assertion, therefore, the Motion to Vacate Hearing should be granted and this matter closed.

ORDER

THE EXAMINER ORDERS THAT:

1. The Motion to Vacate Hearing filed by the Staff of the Commission on September 7, 1984, is hereby granted. The hearing scheduled for October 17, 1984, at 9:00 a.m. in the Commission Hearing Room, Denver, Colorado, is vacated.
2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|------------------------------------|---|---------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF THE BURLINGTON NORTHERN RAIL- |) | |
| ROAD COMPANY, UNION PACIFIC RAIL- |) | |
| ROAD COMPANY, THE ATCHISON, TOPEKA |) | |
| AND SANTA FE RAILWAY COMPANY, THE |) | APPLICATION NO. 35755 |
| DENVER AND RIO GRANDE WESTERN |) | |
| RAILROAD COMPANY AND THE CHICAGO, |) | RECOMMENDED DECISION OF |
| ROCK ISLAND AND PACIFIC RAILROAD |) | EXAMINER ROBERT E. TEMMER |
| COMPANY FOR AUTHORITY TO DISCON- |) | |
| TINUE AGENCY SERVICE AT DENVER |) | |
| UNION STOCKYARD, DENVER, COLORADO. |) | |

- - - - -
October 9, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

The above application was filed with this Commission on August 18, 1983. It was set for a hearing to be held on March 14, 1984. That hearing was vacated by Decision No. R84-356-I, issued March 27, 1984 which granted a joint motion of Applicants and Protestants to continue the hearing. The order in the said decision approved a procedure whereby Applicants would implement Exhibit A, concerning services to patrons within the Denver Union Stockyards switching limits, to the joint motion, and that after sixty (60) days testing, and thirty (30) days evaluation, Protestants would then notify this Commission whether they wished to proceed with their protests or withdraw them.

The attorney for all the Protestants, on July 18, 1984, submitted a letter (which was received by the Commission July 23, 1984) stating that the Protestants had evaluated the new procedures and that they all wished to withdraw their protests to the application.

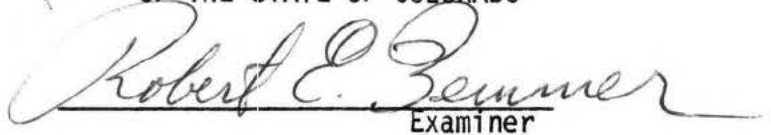
An appropriate order will be entered.

O R D E R

1. All Protestants in this matter are hereby granted leave to withdraw their protests to this application.
2. Application No. 35755 entitled "In The Matter of the Application of the Burlington Northern Railroad Company, Union Pacific Railroad Company, The Atchison, Topeka and Santa Fe Railroad Company, The Denver and Rio Grande Western Railroad and the Chicago, Rock Island and Pacific Railroad Company for authority to discontinue agency service at Denver Union Stockyard, Denver, Colorado," is granted subject to the condition that Applicants shall continue to provide services as specified in Exhibit A to the joint motion of Applicants and Protestants to continue the hearing filed with this Commission on March 9, 1984.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO-UTE ELECTRIC
ASSOCIATION, INC.,

Complainant,

vs.

THE DENVER AND RIO GRANDE
WESTERN RAILROAD COMPANY and
WESTERN TRUNK LINE COMMITTEE,

Respondents.

CASE NO. 6397

INTERIM ORDER OF
EXAMINER WILLIAM J. FRITZEL

October 5, 1984

STATEMENT

This matter comes before the undersigned Examiner upon a motion filed on August 17, 1984, by Complainant Colorado-Ute Electric Association, Inc., entitled "Motion for Leave to Amend Verified Complaint and Petition for Investigation."

The official file of the Commission indicates that Complainant filed its original Verified Complaint and Petition for Investigation on June 20, 1984. On June 26, 1984, the Commission treated the above pleading as a formal complaint and issued an order to Respondent The Denver and Rio Grande Western Railroad Company to satisfy or answer the complaint.

Colorado-Ute Electric Association states in its motion to amend that because its original Verified Complaint and Petition for Investigation was accepted by the Commission in a manner different from the intent of the Complainant at the time of the filing of the original pleading, an amendment is necessary to place this proceeding in a correct posture for hearing.

In addition to the above motion, Complainant filed on August 17, 1984, its proposed amendment to its original Verified Complaint and Petition for Investigation.

Having read and considered the motion of Complainant for leave to amend its Verified Complaint and Petition for Investigation, good cause has been shown by the Complainant to grant its motion to amend pursuant to the Commission's Rules of Practice and Procedure, Rule 11(c).

An appropriate Order will follow.

O R D E R

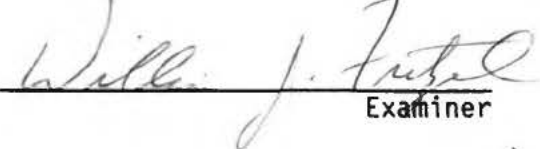
THE EXAMINER ORDERS THAT:

1. The motion of Colorado-Ute Electric Association, Inc., for leave to amend its Verified Complaint and Petition for Investigation is granted.

2. Complainant's amendment filed on August 17, 1984, to its Verified Complaint and Petition for Investigation is accepted.

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc:5095c

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO-UTE ELECTRIC
ASSOCIATION, INC.,

Complainant,

vs.

THE DENVER AND RIO GRANDE
WESTERN RAILROAD COMPANY and
WESTERN TRUNK LINE COMMITTEE,

Respondents.

CASE NO. 6397

INTERIM ORDER OF
EXAMINER WILLIAM J. FRITZEL

October 5, 1984

STATEMENT

On August 24, 1984, Respondent The Denver and Rio Grande Western Railroad Company (D&RGW) filed a petition requesting a declaratory order from the Commission as to whether or not the Commission has jurisdiction over the above-captioned matter.

D&RGW argues in its petition that the Commission lacks jurisdiction since the Interstate Commerce Commission (ICC) has not certified the State of Colorado and other states to exercise jurisdiction over intrastate railroad rates pursuant to the Staggers Rail Act of 1980 (Public Law 96-448, 94 Stat. 1895), 49 U.S.C. 10701, and that the Commission has not instituted a proceeding to adopt rules necessary to implement Colorado's "Little Staggers Act of 1984," Senate Bill No. 11. D&RGW therefore states that this Commission lacks rules and regulations necessary to implement the administrative process under the Federal Staggers Act and Colorado's "Little Staggers Act."

Complainant, Colorado-Ute Electric Association, Inc. (Colorado-Ute), filed a reply on September 5, 1984. Colorado-Ute in its reply argues that the Commission has jurisdiction over the parties and subject matter of this action, since Colorado has been provisionally certified by the ICC to exercise rate jurisdiction over intrastate railroad transportation. Colorado-Ute states that notwithstanding the question of permanent certification of Colorado by the ICC, this State must follow all Federal statutes, regulations and policies in considering the instant case. Colorado-Ute further states that D&RGW, by its motion, in effect, is collaterally attacking the ICC order which grants provisional certification to Colorado to exercise rate jurisdiction over intrastate railroad transportation.

Pursuant to Federal law, this Commission, as well as other state transportation regulatory commissions, must be certified by the ICC in order to have jurisdiction over rates charged by railroads operating intrastate. This Commission, on February 27, 1984, filed Standards and Procedures Applicable to the Regulation of Intrastate Rail Transportation by the State of Colorado, with the ICC as required by the Staggers Rail Act of 1980. While it is true that the ICC has not yet granted permanent

certification to the State of Colorado, the ICC in Ex Parte No. 388, State Intrastate Rail Authority - PL96-448 (February 8, 1982), granted provisional certification to Colorado pending a final decision by the ICC.

This Commission, as well as other state commissions, is required to exercise any jurisdiction granted by the Federal Act in accord with the Federal law, rules and regulations. Wheeling - Pittsburgh Steel Corporation v. Interstate Commerce Commission, 723 F.2d 346 (1983); Kentucky Utilities Company v. Interstate Commerce Commission, 721 F.2d 537 (1983).

The Colorado Legislature in 1984 passed Senate Bill No. 11, which requires Colorado regulatory authority over intrastate transportation of railroads to conform to the Federal Staggers Rail Act of 1980.

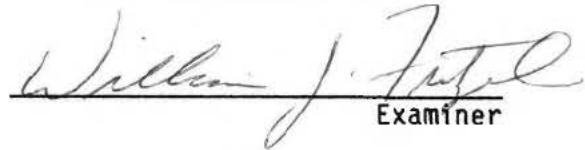
It is, therefore, concluded that the Commission has jurisdiction over the parties and subject matter of the instant case. An appropriate Order will enter.

O R D E R

THE EXAMINER ORDERS THAT:

1. It is herein found and declared that this Commission has jurisdiction over the parties and subject matter of the above-captioned action.
2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|-------------------------------------|--------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF ALL WAYS, TRUCKING, INC.,) | APPLICATION NO. 36442-PP |
| P. O. BOX 16381, DENVER, COLORADO) | |
| FOR AUTHORITY TO OPERATE AS A) | ORDER OF THE COMMISSION |
| CLASS "B" CONTRACT CARRIER BY) | |
| MOTOR VEHICLE FOR HIRE.) | |

October 10, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that protests were timely filed by Northwest Transport Service, Inc., North Eastern Motor Freight, Inc., Westway Motor Freight, Inc., and Empire Delivery Service, Inc., however, these protests were subsequently withdrawn. The herein proceeding is therefore now noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

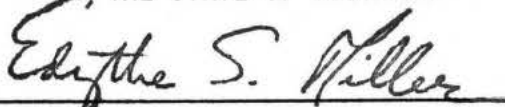


IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

AND IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. C84-1131
October 10, 1984

All Ways Trucking, Inc.

Transportation of

General commodities

Between all points within a fifteen (15) mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado, on the one hand, and on the other hand the warehouse facilities of the following named companies: (1) Imperial Distribution Services; (2) Craig-Imperial Distribution Co., Inc.; (3) Craig's Distribution and Consolidation Co.; (4) LJR Distribution Co.; (5) Craig-Imperial-Acme Consolidators, Inc.; and (6) Saber Freight System.

RESTRICTION: This Permit is restricted to rendering transportation services for the following named customers only, to wit:

- (1) Imperial Distribution Services;
- (2) Craig-Imperial Distribution Co., Inc.;
- (3) Craig's Distribution and Consolidation Co.;
- (4) LJR Distribution Co.;
- (5) Craig-Imperial-Acme Consolidators, Inc.; and
- (6) Saber Freight System.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--------------------------------------|--------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF MAXEY MANUFACTURING COMPANY,) | APPLICATION NO. 36507-PP |
| INC., DOING BUSINESS AS "MAXEY,) | |
| INC." 2101 AIRWAYS AVENUE, FORT) | ORDER OF THE COMMISSION |
| COLLINS, COLORADO FOR AUTHORITY TO) | |
| OPERATE AS A CLASS "B" CONTRACT) | |
| CARRIER BY MOTOR VEHICLE FOR HIRE.) | |

- - - - -
October 10, 1984
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

AND IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
André Schmidt
Ronald L. Lehn
Commissioners

Appendix
Decision No. C84-1132
October 10, 1984

Maxey, Inc.

Transportation of

Sod

Between all points in Colorado.

RESTRICTION: This Permit is restricted to rendering transportation services for the following named customer only, to wit: Greenlawn Sod Company, Inc., Fort Collins, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|----------------------------------|---|--------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF FRAZIER TRUCK LEASING, INC., |) | APPLICATION NO. 36489-PP |
| P. O. BOX 5109, PUEBLO, COLORADO |) | |
| FOR AUTHORITY TO OPERATE AS A |) | ORDER OF THE COMMISSION |
| CLASS "B" CONTRACT CARRIER BY |) | |
| MOTOR VEHICLE FOR HIRE. |) | |

October 10, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

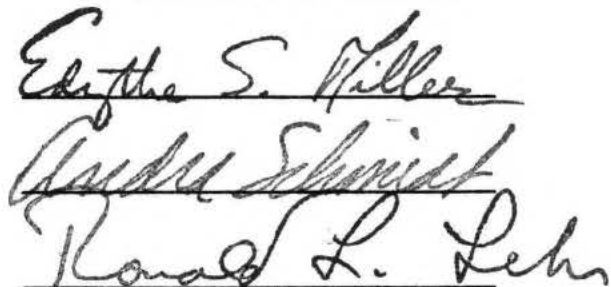
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

AND IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. C84-1133
October 10, 1984

Frazier Truck Leasing, Inc.

Transportation of

Aluminum, steel, and alloy metals

Between all points in the County of Pueblo, State of Colorado and between said points on the one hand, and all points in the State of Colorado, on the other hand.

RESTRICTION: This Permit is restricted to rendering transportation services for the following named customer only, to wit: Pueblo Metal Processing, Inc., Pueblo, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--------------------------------------|--------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF LARRY LEE BARNHART, DOING) | APPLICATION NO. 36492-PP |
| BUSINESS AS "LARRY BARNHART) | |
| TRUCKING," 5881 WEST CEDAR AVENUE,) | ORDER OF THE COMMISSION |
| LAKEWOOD, COLORADO FOR AUTHORITY) | |
| TO OPERATE AS A CLASS "B" CONTRACT) | |
| CARRIER BY MOTOR VEHICLE FOR HIRE.) | |

October 10, 1984

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

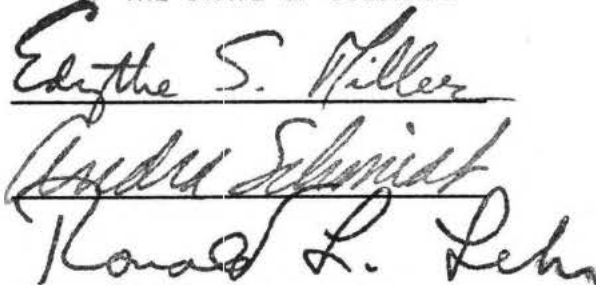
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

AND IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. C84-1134
October 10, 1984

Larry Barnhart Trucking

Transportation of

Laundry and dishwashing detergent, bleach, fabric softner, scouring pads,
bottled ammonia, and empty plastic bottles

Between points in the City and County of Denver.

RESTRICTION: This Permit is restricted to rendering transportation services
for the following named customer only, to wit: Purex Corporation, Denver,
Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|---------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF CHARLES J. MURPHY, DOING) | APPLICATION NO. 36497-Extension |
| BUSINESS AS "PIKES PEAK TOURS,") | |
| 3704 WEST COLORADO AVENUE, COLORADO) | ORDER OF THE COMMISSION |
| SPRINGS, COLORADO FOR AUTHORITY TO) | |
| EXTEND OPERATIONS UNDER CERTIFICATE) | |
| OF PUBLIC CONVENIENCE AND NECESSITY) | |
| PUC NO. 696.) | |

- - - - -
October 10, 1984
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered.

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, The Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 696 to include the following:

"Transportation -- in charter service -- of

Passengers and their baggage

Between points in the County of Huerfano, State of Colorado, on the one hand, and the Amtrak Station in Las Animas County, State of Colorado, on the other hand."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 696 as extended, shall read and be as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by an Act of God, the public enemy, or extreme conditions.

AND IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmitt
Ronald L. Lehn
Commissioners

Appendix
Decision No. C84-1135
October 10, 1984

Pikes Peak Tours

I. Transportation -- in sightseeing service -- of
Passengers

Between points in Colorado Springs, Colorado, and Manitou Springs, Colorado, on the one hand, and points in the Pikes Peak Region on the other hand.

II. Transportation of
Auto Livery Service

Between all points in the Pikes Peak Sightseeing Region and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

III. Transportation -- in charter service -- of
Passengers and their baggage

Between all points located in the County of El Paso, State of Colorado, and between said points, on the one hand, and all points in the Counties of Teller, Fremont, Summit, Huerfano, Custer, Chaffee, Gunnison, Park, and Lake, State of Colorado, on the other hand; and

IV. Transportation -- in charter service -- of
Passengers and their baggage

Between points in the County of Huerfano, State of Colorado, on the one hand, and the Amtrak Station in Las Animas County, State of Colorado, on the other hand.

RESTRICTIONS: This Certificate is restricted as follows:

- (a) Item No. (I) is restricted as follows: all sightseeing service rendered shall be limited to round-trip operations originating and terminating at a point within Colorado Springs, Colorado;
- (b) Item No. (II) is restricted to the use of three (3) automobiles in the conduct of all operations. Auto livery service shall not be advertised outside of the County of El Paso by means of literature or other written or printed advertising; and
- (c) Item No. (III) is restricted to the use of vehicles with a passenger capacity of twenty-five (25) or less excluding the driver; and restricted against the transportation of train crews originating or terminating at actual train locations on rail sidings.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|-------------------------------------|-----------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF SPRINGER ELECTRIC COOPERATIVE,) | APPLICATION NO. 36119 |
| INC., FOR AUTHORITY TO PLACE) | (FCA 9-84) |
| INTO EFFECT FUEL COST ADJUSTMENT.) | |

- - - - -
October 10, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

1. Applicant is Springer Electric Cooperative, Inc.
2. Address of Applicant is P. O. Box 698, Springer, New Mexico 87747.
3. Applicant has incurred increased fuel costs of \$.019581/kwh for a period beginning August 1, 1984 and ending August 31, 1984.
4. Applicant desires to place into effect, on not less than one (1) day's notice, the tariff attached hereto as Appendix A to reflect said increased cost.
5. Applicant will not exceed its last authorized rate of return by virtue of the fact the tariff attached hereto as Appendix A is placed into effect.
6. Foregoing is verified by David G. Gray.
7. Computation of fuel cost adjustment factor is attached hereto as Appendix B.

C O N C L U S I O N

Granting of the within Application is in the public interest.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 36119 (FCA 9-84) is approved and Springer Electric Cooperative, Inc. is authorized to place into effect the tariff attached to the herein Application as Appendix A, on not less than one (1) day's notice.
2. Application No. 36119 (FCA 9-84) is subject to such further order or orders of the Commission as may be appropriate.
3. Rule 18 A 5 is waived herein.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
~~Donald S. Schmitz~~
Ronald L. Lehn
Commissioners

SPRINGER ELECTRIC COOPERATIVE, INC.

Colo. PUC No. 1

APPENDIX A

51TH Revised
Cancels 50TH Revised

Sheet No. 17B
Sheet No. 17B

FUEL & PURCHASED POWER COST ADJUSTMENT
(General Service Classification)

APPLICABLE TO ALL RATES
(Rate Title or Number)

Company
Rate
Code

All Kwh sold on all rate schedules shall be increased by the following amount per kwh.

RATE

.019501

DO NOT WRITE
IN THIS SPACE

Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or
Authority No. C84-1136

Title

Effective Date

*Springer Electric Cooperative, Inc.**"Owned By Those It Serves"*

P. O. BOX 698 - PHONE 483-2421

SPRINGER, NEW MEXICO, 87747

FUEL & PURCHASED POWER COST ADJUSTMENT AUGUST 1984

| | SPRINGER SUBSTATION | YORK CANYON SUBSTATION | RATON P.S. SUBSTATION | SPRINGER-TOWN SUBSTATION | TOTAL |
|---------------------------|------------------------|---------------------------|--------------------------|-----------------------------|--------------|
| PURCHASED POWER | | | | | |
| KWH: | \$ 38,716.98 | 44366.56 | 652.31 | 7,647.01 | 91,382.86 |
| KW: | \$ 65,766.80 | 93975.61 | 801.90 | 11,566.91 | 172,111.23 |
| FPPCA: | \$ (15,417.50) | (17,667.21) | (259.76) | (3,045.12) | (36,389.58) |
| TOTAL P.P. COSTS: | \$ 89,066.29 | 120674.96 | 1,194.45 | 16,168.80 | 227,104.50 |
| PRIOR MONTH BALANCE: | 2,034.11 | .91 | (.02) | .02 | 2,035.02 |
| CUSTOMER CHARGE: | 349.56 | 400.53 | 5.88 | 69.03 | 825.00 |
| NET POWER COST: | \$ 91,449.96 | 121076.40 | 1,200.31 | 16,237.85 | 229,964.52 |
| KWH SALES: | 1,749,102 | 2,335,082 | 34,332 | 397,056 | 4,515,572 |
| NET BASE COST: | \$.032703 | \$.043727 | N/A | \$.033774 | N/A |
| NET BASE POWER COST: | \$ 57,200.88 | 102106.13 | 1,454.21 | 13,410.17 | 174,171.39 |
| INCREASED COST(NET-BASE): | \$ 34,249.08 | 18,970.27 | (253.90) | 2,827.68 | 55,793.14 |
| FPPCA FACTOR: | \$.019581 | .008124 | (.007395) | .007122 | .012356 |

TOTAL POWER COSTS AS PER PLAINS G & T BILLING

| | | |
|-----------------------|------------------|-----------------|
| PURCHASED POWER COST: | | |
| KWH: | 4,809,624 | \$ 91,382.86 |
| KW: | 12,517.18 | \$ 172,111.23 |
| FPPCA: | \$ -.00756599254 | \$ (36,389.58) |
| CUSTOMER CHARGE: | | 825.00 |
| TOTAL BILLING: | | \$ 227,929.50 |

=====

(Actual Billing Factor may vary slightly due to computer rounding)

David G. Gray
Office Manager


BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|--------------------------------------|-----------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF WHEATLAND ELECTRIC COOPERATIVE,) | APPLICATION NO. 36123 |
| INC., FOR AUTHORITY TO PLACE) | (FCA 9-84) |
| EFFECT FUEL COST ADJUSTMENT.) | |

- - - - -
October 10, 1984
- - - - -

STATEMENT AND FINDINGS OF FACT

1. Applicant is Wheatland Electric Cooperative, Inc.
2. Address of Applicant is P. O. Box 130 - 101 Main Street, Scott City, Kansas 67871.
3. Applicant has incurred increased fuel costs of \$.03053/kwh for a period beginning August 15, 1984 and ending September 15, 1984.
4. Applicant desires to place into effect, on not less than one (1) day's notice, the tariff attached hereto as Appendix A to reflect said increased cost.
5. Applicant will not exceed its last authorized rate of return by virtue of the fact the tariff attached hereto as Appendix A is placed into effect.
6. Foregoing is verified by Lewis E. Mitchell, Manager.
7. Computation of fuel cost adjustment factor is attached hereto as Appendix B.

C O N C L U S I O N

Granting of the within Application is in the public interest.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 36123 (FCA 9-84) is approved and Wheatland Electric Cooperative, Inc. is authorized to place into effect the tariff attached to the herein Application as Appendix A, on not less than one (1) day's notice.
2. Application No. 36123 (FCA 9-84) is subject to such further order or orders of the Commission as may be appropriate.
3. Rule 18 A 5 is waived herein.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene S. Miller
André Schmitt
Ronald L. Lehn
Commissioners

WHEATLAND ELECTRIC COOPERATIVE, INC
name of utility

Colo. PUC No. _____

56th Revision _____ Sheet No. 26a

Cancels 55th Revision _____ Sheet No. 26a

APPENDIX A

| (General Service Classification) | |
|---|-------------------------|
| (Rate Title or Number) | Company Rate Code |
| Applicable to all rates for electric service which shall be increased by this amount for each kwh per first revised Sheet 26. | |
| | RATE \$0.03053 |
| DO NOT WRITE IN THIS SPACE | |

Advice Letter No. 11 - *Kevin J. Peterson* Issue Date September 28, 1984
Signature of Issuing Officer

Decision or Authority No. C84-1137 Manager Effective Date October 15, 1984
Title

PURCHASED POWER COST ADJUSTMENT COMPUTATION APPENDIX B

Sheet 1

Utility Name: WHEATLAND ELECTRIC COOPERATIVE, INC. KCC Tariff # 83-ECA 2 Report Date: _____
 Eff. Date 5-6-83

Adjustment for Energy Costs for Month of September 1984

The following computation is submitted in support of purchased power affecting kilowatt hour usage billed on or after October 15, 1984.

I. Actual cost of purchased power for the month of September, 1984

| Power Supplier | KWH Purchased | Customer Demand, and Energy Charge | CCA Charges | Total Charge |
|-----------------------------------|---------------|------------------------------------|---------------|--------------|
| 1. Sunflower | 49,561,400 | 3,800,282.11 | (325,321.05) | 3,474,961.06 |
| 2. Less Cities Service Cryogenics | 3,666,000 | 263,119.24 | (24,063.62) | 239,055.62 |
| 3. Less IBP., Inc. | 5,450,400 | 392,124.47 | (35,776.43) | 356,348.04 |
| 4. Less Garden City Morris | 3,281,250 | 269,812.15 | (21,538.13) | 248,274.02 |
| 5. Less Garden City Distribution | 10,760,000 | 914,714.16 | (70,628.64) | 844,085.52 |
| 6. Less Garden City Airport | 166,320 | 11,381.45 | (1,091.72) | 10,289.43 |
| 7. Less Val-Agri | 2,117,540 | 159,462.24 | (13,899.53) | 145,562.71 |
| 8. | | | | |
| TOTAL | 24,119,890 | 1,789,668.40 | (158,322.98) | 1,631,345.72 |
| TOTAL ACTUAL COST PER KWH | | 7.4199 ¢/kwh | (.6564) ¢/kwh | 6.7635 ¢/kwh |

II. Purchased Power Cost Adjustment:

| | | |
|---|-------------|-------|
| 1. Actual cost per kwh of purchased power (Section I) | 6.7635 | ¢/kwh |
| 2. Base cost per kwh of purchased power | 3.8210 | ¢/kwh |
| 3. Change in purchased power cost over (under) base period. (line 1 - line 2) | 2.9425 | ¢/kwh |
| 4. Line loss factor: | | |
| a. Actual kwh purchased 12 months end 12/31/83 | 235,977,520 | kwh |
| b. Actual kwh sold 12 months end 12/31/83 | 220,559,785 | kwh |
| c. Line loss factor (line (a) ÷ (b)) | 1.069903 | |
| d. Line loss limit factor | 1.099000 | |
| e. Lesser of line (c) or line (d) | 1.069903 | |
| 5. Current purchased power adjustment factor (line 3 x line 4e) | 3.1482 | ¢/kwh |
| 6. Actual cost adjustment (Sheet 2) | (.0952) | ¢/kwh |
| (a). Load management adjustment | 0000 | ¢/kwh |
| 7. Total purchased power cost adjustment | 3.0530 | ¢/kwh |

III. Purchased Power Cost Recovery Factor:

(From Section II, line 4d divided by line 4c. If greater than 1.000 enter 1.000).... 1.0

All ¢/kwh calculations rounded to nearest .001¢.

Sheets 1 and 2 and related subsheets (if any) are filed pursuant to ~~XXXXXX~~ Advice letter #11 to ~~XXXXXX~~ the
~~XXXXXX~~ Commission dated April 26, 1981
~~XXXXXX~~ Colorado Public Utilities

By

Manager

Title

Decision No. C84-1137

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF ROCKY MOUNTAIN NATURAL GAS) | APPLICATION NO. 36588 |
| COMPANY, INC. FOR AN ORDER) | |
| AUTHORIZING IT TO EFFECT CERTAIN) | ORDER OF THE COMMISSION |
| DOWNWARD REVISIONS IN GAS RATES) | AUTHORIZING DOWNWARD REVISIONS |
| UPON LESS THAN STATUTORY NOTICE.) | OF GAS RATES |

- - - - -
October 10, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On October 1, 1984, Rocky Mountain Natural Gas Company, Inc., Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 10, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Western Slope Gas Company for Applicant's customers in its North Central service area.
3. This Commission has jurisdiction over the wholesale rates of Western Slope Gas Company and the rates of Rocky Mountain Natural Gas Company, Inc.
4. Effective October 1, 1984, Applicant's supplier decreased its wholesale rates to Applicant by approximately \$161,345, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$161,206, which is a decrease of 8.2%.
6. Applicant's currently authorized rate of return is 13.94%, set in Commission Decision No. C83-1435, dated September 13, 1983.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 26.04%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 13.66%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

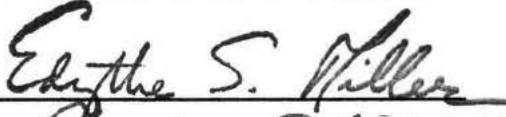

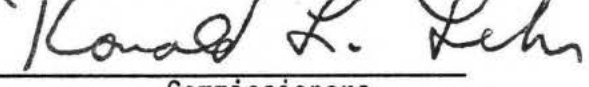
THE COMMISSION ORDERS THAT:

Rocky Mountain Natural Gas Company, Inc. shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

ROCKY MOUNTAIN NATURAL GAS COMPANY, INC.

Colo. PUC No. 3

name of utility

Sheet No. 2, 4

APPENDIX A

Cancels _____ Sheet No. 2, 4

| NATURAL GAS RATES (General Service Classification) | | | | |
|---|--------------|---------------|-------------------------------------|-------------------------|
| PURCHASED GAS ADJUSTMENT (Rate Title or Number) | | | | Company Rate Code |
| Rate Schedule | Sheet No. | Rate Area | Purchased Gas Adjustment per Mcf | RATE |
| E-1 | 5 | North Central | \$ (.697) | R |
| E-2 | 10 | North Central | (.230) | R |
| D-1R | 7 | Western Slope | .503 | |
| D-1C | 7.1 | Western Slope | .503 | |
| D-2 | 8 | Western Slope | .503 | |

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____ Issue Date _____
 Decision or Authority No. C84-1138 Signature of Issuing Officer _____
 Title _____ Effective Date _____

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | |
|-------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF CITIZENS UTILITIES COMPANY) | APPLICATION NO. 36592 |
| FOR AN ORDER AUTHORIZING IT TO) | |
| EFFECT CERTAIN DOWNWARD REVISIONS) | ORDER OF THE COMMISSION |
| IN GAS RATES UPON LESS THAN) | AUTHORIZING DOWNWARD REVISIONS |
| STATUTORY NOTICE.) | OF GAS RATES |

October 10, 1984

S T A T E M E N T

BY THE COMMISSION:

On October 2, 1984, Citizens Utilities Company, Applicant herein, filed the within verified application. Said application seeks a Commission order authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on October 1, 1984, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Western Slope Gas Company for Applicant's customers in its Western Division (vicinity of Pagosa Springs, Bayfield and Gem Village).
3. This Commission has jurisdiction over the wholesale rates of Western Slope Gas Company and it does have jurisdiction over the rates of Citizens Utilities Company.
4. Effective October 1, 1984, Applicant's supplier decreased its wholesale rates to Applicant by approximately \$67,377, based upon volumes purchased by Applicant for the twelve months ended June 30, 1984.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$67,377, which is a decrease of 8.8%.
6. Applicant's currently authorized rate of return is 12.13%, set in Commission Decision No. R83-533, dated April 6, 1983.
7. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 20.10%.
8. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1984, will be 10.54%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decreases on less than 30 days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Citizens Utilities Company shall file on not less than one day's notice, within 10 days of the effective date of this Order, the tariffs attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andre Schmitt
Ronald L. Lehn
Commissioners

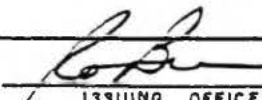
CITIZENS UTILITIES COMPANY

CANCELS

APPENDIX A

| NATURAL GAS SERVICE | |
|---|--|
| GAS RATE ADJUSTMENT | COMPANY RATE CODE |
| GAS RATE ADJUSTMENT | TERRITORY RATE NO. |
| <p><u>APPLICABILITY</u></p> <p>Applicable in all territory served by the Company in Archuleta and La Plata Counties, Colorado.</p> <p>I. All rates for General Natural Gas Service shall be increased per hundred cubic feet used per month</p> <p style="padding-left: 40px;">Per 100 cubic feet per month</p> <p>II. All rates for Industrial Natural Gas Service shall be increased per thousand cubic feet used per month</p> <p style="padding-left: 40px;">Per 1,000 cubic feet per month</p> <p>The Rates on file and affected hereby are identified as follows:</p> <p>I. <u>General Service</u></p> <p style="padding-left: 40px;">Colo. P.U.C. No. 9 11th Revised Sheet No. 4.3</p> <p style="padding-left: 40px;">Colo. P.U.C. No. 9 3rd Revised Sheet No. 3.1</p> <p>II. <u>Industrial Natural Gas Service</u></p> <p style="padding-left: 40px;">Colo. P.U.C. No. 9 11th Revised Sheet No. 7.2</p> | <p>RATE</p> <p>\$.031 (I)</p> <p>\$.307 (I)</p> |

ADVICE LETTER NO.

DECISION OR
AUTHORITY NO C84-1139

 ISSUING OFFICER
 Vice President

ISSUE DATE September 26, 1984

EFFECTIVE DATE October 1, 1984

CITIZENS UTILITIES COMPANY
NAME OF UTILITY

EXHIBIT F, Page 1 of 3

COLO.PUC. NO. 9

141st Revised SHEET NO. 2

140th Revised SHEET NO. 2

APPENDIX A

CANCELS

INDEX

| DESCRIPTION | SHEET NO. |
|---|-----------------------|
| Title Page | 1st Revised |
| Gas Rate Adjustment | 1 44th Revised |
| Gas Rate Adjustment | 1.1 70th Revised (I) |
| Gas Rate Adjustment | 1.2 Original |
| Gas Rate Adjustment | 1.2A 4th Revised |
| Index | 2 141st Revised |
| Index | 2A 12th Revised |
| Index of Communities | 2.1 1st Revised |
| General Service Rate of Natural Gas | 3 18th Revised |
| | 3.1 3rd Revised |
| | 4 4th Revised |
| | 4.3 11th Revised (D) |
| | 4.4 2nd Revised |
| Large Industrial Rate | 7 19th Revised |
| | 7.1 2nd Revised |
| | 7.2 11th Revised. (D) |
| | 8 3rd Revised |
| Special Industrial Rate for Natural Gas | 9 21st Revised |
| | 10 2nd Revised |
| | 10.1 11th Revised |
| | 10.1.1 Original |
| | 10.1.2 Original |
| | 10.1.3 Original |
| | 10.1.4 Original |
| | 10.1.5 Original |
| | 10.1.6 Original |
| | 10.1.7 Original |
| | 10.1.8 Original |
| | 10.2 11th Revised |
| | 10.6 11th Revised |
| | 10.7 10th Revised |
| | 10.8 1st Revised |

Margin Symbols: "I" increase; "D" decrease; "C" change;
"N" new; "T: transfer

DO NOT WRITE
IN THIS SPACE

ADIVICE LETTER NO. _____

DECISION OR
AUTHORITY NO. C84-1139

ISSUING OFFICER

Vice President

TITLE

ISSUE DATE September 26, 1984

EFFECTIVE DATE October 1, 1984

COLO.P.U.C NO. 9

CITIZENS UTILITIES COMPANY


11th Revised SHEET NO. 4.3

APPENDIX A

10th Revised CANCELLED SHEET NO. 4.3

| NATURAL GAS RATES | |
|---|----------------------------|
| GENERAL SERVICE | COMPANY RATE CODE |
| GENERAL SERVICE RATE | TERRITORY RATE NO. GS-3 |
| <u>APPLICABILITY</u> Applicable to the territory served by the Company in Archuleta and La Plata Counties, Colorado. | RATE |
| <u>AVAILABILITY</u> For residential, commercial and small industrial service. | |
| <u>RATE</u> Facilities Charge - per month Commodity Charge per 100 cu. ft. per month | |
| <u>MINIMUM</u> Net minimum per meter per month | |
| <u>CONTRACT PERIOD</u> All contracts under this schedule shall be for a period of thirty days and thereafter, on two days' written notice. | |

 ADVICE LETTER NO. _____
 DECISION OR
 AUTHORITY NO. C84-1139


 ISSUING OFFICER
 Vice President
 TITLE

 ISSUE DATE September 26, 1984
 EFFECTIVE DATE October 1, 1984

11th Revised SHEET NO. 7.2

CITIZENS UTILITIES COMPANY


CANCELS

10th Revised SHEET NO. 7.2

APPENDIX A

| NATURAL GAS RATES | |
|---|----------------------------|
| LARGE INDUSTRIAL RATE | COMPANY RATE CODE |
| LARGE INDUSTRIAL RATE | TERRITORY RATE NO. LI-2 |
| <p><u>APPLICABILITY</u></p> <p>Applicable in all territory served by the Company in Archuleta and La Plata Counties, Colorado.</p> <p><u>AVAILABILITY</u></p> <p>For large commercial and industrial service where the customer uses 250,000 cubic feet or more of gas during the billing period in which demand is determined.</p> <p><u>RATE</u></p> <p>Demand Charge - per 1,000 cu. ft. \$5.58</p> <p>Commodity Charge - per 1,000 cu. ft. 4.0239 (D)</p> <p><u>DETERMINATION OF DEMAND</u></p> <p>The monthly demand shall be the greatest daily use of gas occurring in any monthly billing period from October first of one year through April thirtieth of the next year, determined, at the option of the Company, either by measurement or by dividing the amount of gas used during the monthly billing period by the number of days covered by that billing period, whichever is greater.</p> <p><u>BILLING DEMAND</u></p> <p>The billing demand shall be the demand as determined above but not less than the highest demand so determined for the eleven months preceding the current month, and in no case less than 8,333 cubic feet.</p> <p><u>MINIMUM</u></p> <p>The demand charge per month.</p> | |

ADVICE LETTER NO. _____
 DECISION OR
 AUTHORITY NO. C84-1139


 ISSUING OFFICER
 Vice President
 TITLE

ISSUE DATE September 26, 1984
 EFFECTIVE DATE October 1, 1984

(Decision No. C84-1140)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JOSEPH P. BUSHNELL AND SCOTT)
STEFANKIEWICZ, DOING BUSINESS AS)
"WESTERN SECURITY," FOR EMERGENCY)
TEMPORARY AUTHORITY TO CONDUCT)
OPERATIONS AS A CONTRACT CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36593-PP-ETA

ORDER DENYING
EMERGENCY TEMPORARY AUTHORITY

- - - - -
October 10, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On October 2, 1984, Joseph P. Bushnell and Scott Stefankiewicz, doing business as "Western Security," filed Application No. 36593-PP for emergency temporary authority, temporary authority, and permanent authority to conduct operations as a contract carrier by motor vehicle for hire to include the transportation of mail and cancelled checks between points in Fort Collins. Restricted to providing transportation services for the following named customer only, to wit: First Interstate Bank, Fort Collins, Colorado.

Pursuant to CRS 40-6-120, the instant Application for emergency temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant emergency temporary authority when there appears to be an emergency need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application constitutes insufficient evidence upon which the Commission might conclude that there is an emergency need for the relief sought.
3. There is no emergency need for the relief sought.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for emergency temporary authority is not in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

1. This application is denied.

2. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of this decision.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andru Spangish
Ronald L. Lehn
Commissioners

nej

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JANICE WEAVER, DOING BUSINESS AS)
"VIKING TAXI," FOR EMERGENCY TEM-)
PORARY AUTHORITY TO CONDUCT OPER-)
ATIONS AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36595-ETA

ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY

- - - - -
October 10, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On October 2, 1984, Janice Weaver, doing business as "Viking Taxi," filed Application No. 36595 for emergency temporary authority, temporary authority, and permanent authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage -- in taxi service -- between all points located within a ten mile radius of the intersection of Bridge and Main Streets in Brighton, Colorado and between said points, on the one hand, and on the other hand all points: (1) in Denver, Colorado; (2) in Greeley, Colorado; (3) in Keensburg, Colorado; (4) in Hudson, Colorado; and (5) within one mile radius of the intersection of Colorado State Highway Nos. 79 and 52 at Prospect Valley, Colorado.

Pursuant to CRS 40-6-120, the instant Application for emergency temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant emergency temporary authority when there appears to be an emergency need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services sought and that there is an emergency need for a grant of emergency temporary authority in order to preclude undue delay in the availability of equipment to satisfy the public need.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for emergency temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Janice Weaver, doing business as "Viking Taxi," is granted emergency temporary authority to operate as a common carrier by motor vehicle for hire for a period of 15 days commencing as of October 11, 1984, with authority as set forth in the Appendix attached hereto.
2. Janice Weaver, doing business as "Viking Taxi," shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of this decision.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andy Schmitt
Ronald L. Lehn
Commissioners

nej

JANICE WEAVER
DOING BUSINESS AS
VIKING TAXI

Transportation - of

passengers and their baggage -- in taxi service --

Between all points located within a ten mile radius of the intersection of Bridge and Main Streets in Brighton, Colorado and between said points, on the one hand, and on the other hand all points:

- (1) in Denver, Colorado;
- (2) in Greeley, Colorado;
- (3) in Keensburg, Colorado;
- (4) in Hudson, Colorado; and
- (5) within one mile radius of the intersection of Colorado State Highway Nos. 79 and 52 at Prospect Valley, Colorado.

(Decision No. C84-1142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
T & S DELIVERY SERVICE, INC. FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CONTRACT CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36604-PP-ETA

ORDER DENYING
EMERGENCY TEMPORARY AUTHORITY

- - - - -
October 10, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On October 3, 1984, T & S Delivery Service, Inc. filed Application No. 36604-PP for emergency temporary authority, temporary authority, and permanent authority to conduct operations as a contract carrier by motor vehicle for hire to include the transportation of furniture between points in the Counties of El Paso, Teller, Pueblo, Fremont, Huerfano, Crowley, Custer, Elbert, Douglas, Park, and Otero. Restricted to providing transportation services for the following named customer only, to wit: Furniture and Appliance Outlet, Colorado Springs, Colorado.

Pursuant to CRS 40-6-120, the instant Application for emergency temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant emergency temporary authority when there appears to be an emergency need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application constitutes insufficient evidence upon which the Commission might conclude that there is an emergency need for the relief sought.
3. There is no emergency need for the relief sought.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for emergency temporary authority is not in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

1. This application is denied.

2. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of this decision.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Arvid Spangish
Ronald L. Lehn
Commissioners

nej

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
SECURITY EXPRESS SYSTEMS, INC. FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COM-)
MON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 36564-TA

ORDER GRANTING

TEMPORARY AUTHORITY

- - - - -
October 10, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 19, 1984, Security Express Systems, Inc. filed Application No. 36564 for temporary authority to operate as a common carrier by motor vehicle for hire for the transportation of travel tickets -- on call and demand -- between travel agencies located within a 15 mile radius of the intersection of Broadway and Colfax Avenue in Denver, Colorado, on the one hand, and all points located within a 15 mile radius of the intersection of Broadway and Colfax Avenue in Denver, Colorado, on the other hand.

Proper Notice of said Application has been given by the Commission on September 24, 1984.

Protests opposing a possible Commission order granting this application have been timely filed by: Speedy Messenger and Delivery Service, Inc. and United Messengers, Inc.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the public need.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Security Express Systems, Inc. is granted temporary authority for a period of 180 days commencing as of October 11, 1984, with authority as set forth in the Appendix attached hereto.
2. Security Express Systems, Inc. shall not commence operations until all requirements have been met and notification has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 30, 1984, the authority as herein authorized will be null and void.
4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Robert Schmitt
Ronald L. Lehn
Commissioners

nej

SECURITY EXPRESS SYSTEMS, INC.

Transportation -- on call and demand -- of

Travel tickets

Between travel agencies located within a 15 mile radius of the intersection of Broadway and Colfax Avenue in Denver, Colorado, on the one hand, and all points located within a 15 mile radius of the intersection of Broadway and Colfax Avenue in Denver, Colorado, on the other hand.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF MILLER BROS., INC. FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36561-TA

ORDER DENYING
TEMPORARY AUTHORITY

- - - - -
October 10, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 19, 1984, Miller Bros., Inc. filed Application No. 36561 for temporary authority and permanent authority to conduct operations as a common carrier by motor vehicle for hire to include the transportation of steel and iron articles -- on call and demand -- between the facilities of Rutledge Steel Company, at or near Loveland, Colorado, on the one hand, and on the other hand, all points in the State of Colorado. Restricted to the transportation of traffic originating at or destined to the facilities of Rutledge Steel Company at or near Loveland, Colorado.

Proper notice of said application was given by the Commission on September 24, 1984.

A protest opposing a possible Commission order granting this application has been timely filed by: B. R. Walker, Inc.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application constitutes insufficient evidence upon which the Commission might conclude that there is an immediate or urgent need for the relief sought.
3. There is no immediate or urgent need for the relief sought.

CONCLUSIONS ON FINDINGS FACT

Premises considered, the Commission concludes that the instant application for temporary authority is not in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

1. This application is denied.
2. The 20 day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of this decision.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Audra Schmitt
Ronald L. Lehn
Commissioners

nej

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ROBERT SCHMIDT TRUCKING CO. FOR)
TEMPORARY AUTHORITY TO CONDUCT)
OPERATIONS AS A CONTRACT CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36556-PP-TA

ORDER GRANTING
TEMPORARY AUTHORITY

- - - - -
October 10, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On September 17, 1984, Robert Schmidt Trucking Co. filed Application No. 36556-PP for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of fly ash, in bulk, between all points in the State of Colorado. Restricted to providing transportation services for the following named customer only, to wit: Rocky Mountain Ash Company, Denver, Colorado.

Proper Notice of said application has been given by the Commission on September 24, 1984.

Pursuant to CRS 40-6-120, the instant application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.
2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services herein sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the shipper's need.
3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Robert Schmidt Trucking Co. is granted temporary authority to operate as a contract carrier by motor vehicle for hire for a period of 180 days commencing as of October 11, 1984, with authority as set forth in the Appendix attached hereto.
2. Robert Schmidt Trucking Co. shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.
3. Unless Applicant meets all of the requirements indicated above on or before October 30, 1984, the authority as herein authorized will be null and void.
4. The 20 day time period provided for pursuant to CRS 40-6-114(6) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
André Schmidt
Ronald L. Lehn
Commissioners

nej

Robert Schmidt Trucking Co.

Transportation -- of

Fly ash, in bulk

Between all points in the State of Colorado.

RESTRICTION:

Restricted to providing transportation service for the following named customer only, to wit: Rocky Mountain Ash Company, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THOMAS L. DIXON, DOING BUSINESS AS)
"8 MILE JEEP TOURS," FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 36539-TA

ORDER GRANTING
TEMPORARY AUTHORITY

- - - - -
October 10, 1984
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On August 22, 1984, Thomas L. Dixon, doing business as "8 Mile Jeep Tours," filed Application No. 36539 for temporary authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage -- in sightseeing service -- between all points located within a ten mile radius of the intersection of U.S. Highway No. 50 and Royal Gorge Road in Fremont County. Restricted to the use of 4 wheel drive vehicles. Restricted to providing service that originates and terminates at the same point.

Proper Notice of said Application has been given by the Commission on September 24, 1984.

Pursuant to CRS 40-6-120, the instant Application for temporary authority is under consideration for an appropriate order of the Commission.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. The statutory provision set forth under CRS 40-6-120, authorizes this Commission to grant temporary authority when there appears to be an immediate or urgent need for transportation services to a point or within a territory having no carrier service capable of meeting such need.

2. The support filed in behalf of the instant application indicates that there is presently no other carrier service available that is capable of providing the transportation services sought and that there is an immediate or urgent need for a grant of temporary authority in order to preclude undue delay in the availability of equipment to satisfy the public need.

3. The Applicant has adequate equipment and financial resources to commence immediate service within the scope of authority herein sought and is willing, ready and able to operate in accordance with all Commission rules and regulations governing carriers by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Premises considered, the Commission concludes that the instant application for temporary authority is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

1. Thomas L. Dixon, doing business as "8 Mile Jeep Tours," is granted temporary authority for a period of 180 days commencing as of October 11, 1984, with authority as set forth in the Appendix attached hereto.

2. Thomas L. Dixon, doing business as "8 Mile Jeep Tours," shall not commence operations until all requirements have been met and notification has been received from the Commission that compliance has been effected and service may be instituted.

3. Unless Applicant meets all of the requirements indicated above on or before October 30, 1984, the authority as herein authorized will be null and void.

4. The twenty day time period provided for pursuant to CRS 40-6-114(1) within which to file an application for rehearing, reargument, or reconsideration shall commence to run on the first day following the mailing or serving by the Commission of the decision herein.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
David S. Squire
Ronald L. Lehn
Commissioners

nej

APPENDIX
Decision No. C84-1146
October 10, 1984

THOMAS L. DIXON
DOING BUSINESS AS
8 MILE JEEP TOURS

Transportation -- in sightseeing service -- of
Passengers and their baggage

Between all points located within a ten mile radius of the intersection
of U.S. Highway No. 50 and Royal Gorge Road in Fremont County.

RESTRICTIONS:

- (a) Restricted to the use of 4 wheel drive vehicles; and
- (b) Restricted to providing service that originates and terminates
at the same point.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|----------------------------------|---|-------------------------|
| RE: THE ISSUANCE OF TEMPORARY |) | |
| CERTIFICATES OF PUBLIC CONVEN- |) | APPLICATION NO. 36611 |
| IENCE AND NECESSITY UNDER TITLE |) | |
| 40-10-104(2), CRS 1973, FOR THE |) | EMERGENCY DISTRICT 7-84 |
| SEASONAL MOVEMENT OF SUGAR BEETS |) | |
| AND PULP. |) | |

October 10, 1984

S T A T E M E N T

BY THE COMMISSION:

Report has been received by the Commission from Ralph H. Knull, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists due to a shortage of authorized motor vehicles for the transportation of sugar beets and pulp from fields and farms to railroad loading points, warehouses or other places of storage, or to markets from that area of the State comprised of the Counties of Adams, Boulder, Cheyenne, Kit Carson, Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma.

Request has been made for an order of the Commission to issue temporary certificates authorizing the temporary, seasonal operation of motor vehicles for the transportation of sugar beets and pulp within the area described above.

The Commission finds that an emergency exists because of the shortage of authorized motor vehicles for the transportation of sugar beets and pulp from farms and fields to railroad loading points, warehouses or other places of storage, or to markets within the area described herein; and that the present public convenience and necessity requires the issuance of temporary certificates for the temporary, seasonal operation of motor vehicles for the purpose of transporting said commodity, as provided in Title 40, Article 10, Section 104(2), CRS 1973, and as set forth in the order following.

O R D E R

THEREFORE THE COMMISSION ORDERS THAT:

1. Temporary certificates are authorized for the seasonal operation of motor vehicles for the purpose of transporting sugar beets and pulp from fields or farms located within that area of the State in the Counties of Adams, Boulder, Cheyenne, Kit Carson, Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma to railroad loading points, warehouses or other places of storage, or markets.

2. Transportation under said temporary certificates shall be limited to a 50-mile radius of said origin field or farm, and that said certificates shall be effective only for a period of 90 days commencing October 1, 1984.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Arden Spangish

Ronald L. Lehn

Commissioners

jkm:Emerg. Districts/A

(Decision No. C84-1148)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-----------------------------------|---|-----------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF THE MOUNTAIN STATES TELEPHONE |) | APPLICATION NO. 36247 |
| AND TELEGRAPH COMPANY TO OBTAIN |) | |
| AUTHORIZATION FOR THE TRANSFER OF |) | ORDER DENYING MOTION |
| CERTAIN ASSETS ASSOCIATED WITH |) | |
| DIRECTORY ADVERTISING. |) | |

- - - - -
October 10, 1984
- - - - -

STATEMENT AND FINDINGS

BY THE COMMISSION:

The Office of Consumer Counsel (OCC) on September 21, 1984, filed a Motion for an Order to Show Cause, and for a Continuance Pending the Retrieval of Directory Publishing Assets. In essence, the OCC has alleged that The Mountain States Telephone and Telegraph Company (Mountain Bell) has violated CRS 40-5-105 by transferring directory assets from Mountain Bell to another entity without having first secured approval of this Commission pursuant to that statutory section. OCC further alleges that the Commission and its Staff are in the untenable position of reviewing for approval, in this application, a transaction which has already occurred, and that, more accurately, the Commission is being asked to ratify an illegal, and therefore, void transaction. Accordingly, the OCC, in its motion, requests that the Commission continue the evidentiary portion of Application No. 36247 pending the return of the directory assets to Mountain Bell, and that the Commission institute a show-cause proceeding in order to expedite return of these assets.

On October 1, 1984, the Colorado Municipal League (the League) filed a Response filed by the Colorado Municipal League to the Motion to an Order to Show Cause, and for a Continuance Pending Retrieval of Directory Publishing Assets. In said response, the League basically agrees with the OCC both with respect to the issue of continuing the evidentiary hearings in Application No. 36247, and the institution of a show-cause proceeding against Mountain Bell.¹

No response to the OCC motion was filed either by Mountain Bell or the Staff of the Commission.

¹The League stated in its response that it did not agree with the OCC with respect to the jurisdiction of the Commission over U.S. West Direct and Landmark Publishing Company. The League contends that, as an agent of Mountain Bell for the performance of its public utility function, U.S. West Direct's directory publishing operations are affected with the public interest to the same extent that these operations were when they were performed by Mountain Bell, and that since Mountain Bell is subject to the jurisdiction of this Commission for the provision of telephone service, U.S. West Direct also is under the jurisdiction of the Commission to the extent that it performs a public utility function, even though that function is a part of the greater overall provision of telephone service.

The Commission has carefully considered the OCC's motion, and the response in support filed by the League. As a result, we find that it would not be appropriate, at this time, to grant the OCC's motion for a continuance of evidentiary hearings in Application No. 36247 or to institute a show-cause proceeding against Mountain Bell with regard to directory assets. It must be recognized that the same relief which is being requested by the OCC is already the subject of a similar request by this Commission, in the case of The People of Colorado ex rel. Duane Woodard, Attorney General of the State of Colorado v. The Mountain States Telephone and Telegraph Company, U.S. West Incorporated, Landmark Publishing Company and U.S. West Direct Company (Case No. 84CV8902), which is presently pending in the District Court for the City and County of Denver. In that litigation, the Commission is seeking the same substantive relief which OCC is suggesting could be obtained from a Commission-instituted show-cause proceeding against Mountain Bell. The Commission does not perceive any advantage in pursuing two parallel courses of action simultaneously and in fact wishes to avoid any delay which might result. Presumably the Denver District Court litigation will be brought to a resolution prior to the time that a show-cause proceeding could be instituted, heard, and resolved by the Commission.

In addition, the Commission is of the opinion that the same substantive relief sought by the OCC, and supported by the League, can be obtained in Application No. 36247 itself, without the necessity of instituting another separate proceeding. In other words, in the event the Commission were to find that it is not in the public interest for directory publication assets to have been transferred from Mountain Bell, the Commission has the legal authority to require Mountain Bell to take whatever steps are necessary to return those assets to it together with the return on that investment for the interim period of time.

In accordance with these findings, it should be obvious that we agree with the legal thrust of the OCC's major argument that Mountain Bell should have obtained this Commission's approval of a transfer of directory publishing assets prior to the time that the transfer was actually accomplished.

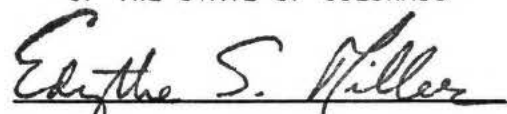


THEREFORE THE COMMISSION ORDERS THAT:

1. The Motion for the Order to Show Cause and for a Continuance Pending the Retrieval of Directory Publishing Assets filed by the Office of Consumer Counsel on September 21, 1984, is denied.

2. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

0214g

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|------------------------------------|---|-------------------------|
| INVESTIGATION OF THE MOUNTAIN |) | |
| STATES TELEPHONE AND TELEGRAPH |) | CASE NO. 6425 |
| COMPANY FOR FAILURE TO PROVIDE |) | |
| PHONE SERVICE TO CUSTOMERS WITHIN |) | ORDER TO SHOW CAUSE AND |
| THE CUCHARA VALLEY RESORT DEVELOP- |) | NOTICE OF HEARING |
| MENT. |) | |

- - - - -
October 10, 1984
- - - - -

STATEMENT AND FINDINGS

BY THE COMMISSION:

Staff of the Commission has received the following letters concerning telephone service at Panadero Ski Corporation, now known as Cuchara Valley Resort (Cuchara):

1. Letter dated October 18, 1983, from Mountain Bell Attorney, Dennis G. Stack to King Carter, President of Cuchara.
2. Letter dated April 24, 1984, from Mountain Bell Attorney Paul R. Wolff to Robert M. Pomeroy, Esq., counsel for Cuchara.
3. Letter dated May 7, 1984, from Mountain Bell Attorney Paul R. Wolff to Timothy M. Rastello, Esq., counsel for Cuchara.
4. Letter dated August 24, 1984, from Timothy M. Rastello, Esq. to Mountain Bell Attorneys Peter D. Willis, and Paul R. Wolff.
5. Letter dated September 17, 1984, to Commissioners Edythe S. Miller, Andra Schmidt, and Ronald L. Lehr from Mountain Bell Attorney Paul R. Wolff.

The above correspondence indicates that The Mountain States Telephone and Telegraph Company may be failing to provide telephone service to customers behind the PBX switch of Cuchara, within the Cuchara Valley Resort Development, contrary to its obligation to provide telephone service in an area of the state in which it is authorized to serve.

The Commission finds that an investigation is necessary to determine the facts of the matter, and whether appropriate orders should be entered subsequent to the investigation.

THEREFORE THE COMMISSION ORDERS THAT:

1. Case No. 6425, is instituted.

2. The Mountain States Telephone and Telegraph Company is directed to appear before the Commission on December 7, 1984, as set forth below, to show cause why the Public Utilities Commission should not take such action or enter such order or orders as may be appropriate, including, but not limited to, an order requiring The Mountain States Telephone and Telegraph Company to provide immediate telephone service to customers behind the PBX switch of the Cuchara Valley Resort, within the Cuchara Valley Resort Development, to customers desiring service, or suspending or revoking the authority of The Mountain States Telephone and Telegraph Company to render telephone service to customers behind the PBX switch of the Cuchara Valley Resort within the Cuchara Valley Resort Development.

3. Case No. 6425 is set for hearing before the Commission:

DATE: Friday, December 7, 1984

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Office Level 2 (OL 2)
Logan Tower
1580 Logan Street
Denver, Colorado

at which time and place such evidence such as is proper may be introduced and such arguments as are material to the issue may be presented.

4. This Order is effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

Arthur S. Shupik

Ronald L. Lehn

Commissioners

0196g

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

INVESTIGATION OF PROVISION OF TELE-)
PHONE SERVICE BY PANADERO SKI)
CORPORATION NOW KNOWN AS CUCHARA)
VALLEY RESORT.)

CASE NO. 6426

SHOW CAUSE ORDER AND
NOTICE OF HEARING

- - - - -
October 10, 1984
- - - - -

STATEMENT AND FINDINGS

BY THE COMMISSION:

Staff of the Commission is in receipt of copies of the following letters concerning telephone service at Panadero Ski Corporation, now known as Cuchara Valley Resort (Cuchara):

1. Letter dated October 18, 1983, from Mountain Bell Attorney, Dennis G. Stack to King Carter, President of Cuchara.
2. Letter dated April 24, 1984, from Mountain Bell Attorney Paul R. Wolff to Robert M. Pomeroy, Esq., counsel for Cuchara.
3. Letter dated May 7, 1984, from Mountain Bell Attorney Paul R. Wolff to Timothy M. Rastello, Esq., counsel for Cuchara.
4. Letter dated August 24, 1984, from Timothy M. Rastello, Esq. to Mountain Bell Attorneys Peter D. Willis, and Paul R. Wolff.
5. Letter dated September 17, 1984, to Commissioners Edythe S. Miller, Andra Schmidt, and Ronald L. Lehr from Mountain Bell Attorney Paul R. Wolff.

Review of the above correspondence reflects that Cuchara may intend to provide or may be providing telephone service to all requesting parties behind Cuchara's PBX switch, for a price.

Review of Commission records fails to disclose that either Panadero Ski Corporation or Cuchara Valley Resort has been certificated by this Commission to provide telephone service within the State of Colorado.

The Commission finds that it should initiate an investigation of the purported provision, or intended provision of telephone service by Cuchara to those desiring such service behind its PBX switch for a price, to determine whether or not an order from this Commission to cease and desist from offering telephone service should be entered and to take such further action as may be necessary.

THEREFORE THE COMMISSION ORDERS THAT:

1. Case No. 6426 is instituted.

2. Panadero Ski Corporation, now known as Cuchara Valley Resort, is directed to appear before this Commission on December 7, 1984, as set forth below, to show cause why the Commission should not take such action and enter such order or orders as may be appropriate including, but not limited to, an order requiring Panadero Ski Corporation, now known as Cuchara Valley Resort, to cease and desist offering telephone service to any parties desiring such from behind its PBX switch, for a price.

3. Case No. 6426 is set for hearing before the Commission:

DATE: Friday, December 7, 1984

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Office Level 2 (OL 2)
Logan Tower
1580 Logan Street
Denver, Colorado

at which time and place such evidence as is proper may be produced and such arguments as are material to the issue may be presented.

4. This Order is effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Byrd S. Schipani
Ronald L. Lehn

Commissioners

0194g

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-------------------------------------|---|---------------------------------|
| IN THE MATTER OF THE PROPOSED |) | |
| INCREASED RATES AND CHARGES CON- |) | INVESTIGATION AND SUSPENSION |
| TAINED IN TARIFF REVISIONS FILED |) | DOCKET NO. 1640 |
| BY THE PUBLIC SERVICE COMPANY OF |) | |
| COLORADO, 550 - 15TH STREET, |) | PHASE II |
| DENVER, COLORADO, UNDER ADVICE |) | |
| LETTER NO. 900 - ELECTRIC, ADVICE |) | COMMISSION ORDER DENYING MOTION |
| LETTER NO. 375 - GAS, ADVICE LETTER |) | TO EXPEDITE DISCOVERY |
| NO. 33 - STEAM. |) | |

October 10, 1984

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 6, 1984, AMAX, Inc., (AMAX) filed and served upon the Respondent, Public Service Company of Colorado (Public Service) its third data request and motion to expedite discovery. AMAX states that the novelty and complexity of the issues presented in I & S Docket No. 1640, the discovery deadline of September 17, 1984, and the need of its expert to adequately examine the data received requires that AMAX must receive responses to its third data request by September 12, 1984.

On September 13 and 20, 1984, Public Service filed letters with the Commission stating that the parties were attempting to resolve informally the motion seeking expedited discovery and that, accordingly, no necessity exists for the Commission to rule on the motion until advised to the contrary.

The Commission will deny the motion because both the deadline for completion of discovery and the requested expedited date of September 12, 1984, have expired.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Motion to Expedite Discovery filed by AMAX, Inc., on September 6, 1984, is denied.

2. This Order is effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Arvid Schmitt
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

WILLIAM L. FOORMAN
4695 FOX ROAD
CASCADE, COLORADO 80809

Complainant,

vs.

CASCADE PUBLIC SERVICE COMPANY
4450 FOUNTAIN AVENUE
POST OFFICE BOX 57
CASCADE, COLORADO 80809

Respondent.

CASE NO. 6379

ORDER OF THE COMMISSION
SETTING ASIDE RECOMMENDED
DECISION AND REMANDING
TO HEARINGS EXAMINER

October 10, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 27, 1984, Hearings Examiner Thomas F. Dixon entered Recommended Decision No. R84-1075 dismissing the within Complaint against Cascade Public Service Company because of the non-appearance of the Complainant at a reset hearing scheduled for September 4, 1984.

By letter, dated September 30, 1984 and filed with the Commission on October 3, 1984, the Complainant William L. Foorman indicated that business kept him from attending the September 4, 1984 hearing at the last moment and that he did not have an opportunity to write the Commission in advance of the hearing.

It should be understood that complainants have a responsibility of getting in touch with the Commission, by telephone if necessary, to advise the Commission of emergency last minute developments. Nevertheless, inasmuch as it appears that Mr. Foorman is appearing pro se, we will give him a second, but last, chance to appear and prosecute his complaint. Accordingly, the within matter shall be remanded to the hearings examiner for further proceedings.

ORDER

THE COMMISSION ORDERS THAT:

1. Recommended Decision No. R84-1075, dated September 27, 1984, is set aside.
2. Case No. 6379 is remanded to Hearings Examiner Thomas F. Dixon for further proceedings in accordance with the above findings of fact.
3. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Andra Schmidt
Ronald L. Lehn
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-------------------------------|---|------------------------------|
| RE: DECREASED RATES FOR THE |) | INVESTIGATION AND SUSPENSION |
| TRANSPORTATION OF CANDY FROM |) | DOCKET NO. 1666 |
| AURORA TO NAMED POINTS FILED |) | |
| FOR EDSON EXPRESS, INC. IN |) | ORDER OF COMMISSION VACATING |
| COLORADO MOTOR TARIFF BUREAU |) | HEARING, CLOSING DOCKET AND |
| TARIFF NO. COB 300, COLORADO |) | ALLOWING CANCELLATION OF |
| PUC NO. COB 300, SCHEDULED |) | SUSPENDED MATTER |
| TO BECOME EFFECTIVE SEPTEMBER |) | |
| 10, 1984. |) | |

October 10, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 10, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Edson Express, Inc., filed Original Page No. 275-A to Colorado Motor Tariff Bureau Tariff No. COB 300, Colorado PUC No. COB 300, scheduled to become effective September 10, 1984. Said filing proposed to establish decreased rates for the transportation of candy from Aurora to named points.

Review of the filing indicated that the proposed rates were negotiated by the carrier with a particular shipper; that no supporting financial data had been furnished and no cost measurements had been made; that there was no indication that the proposed rates would be compensatory; and, therefore, the Commission was unable to determine whether the proposed rates were just and reasonable.

The Commission, by Decision No. C84-985, dated September 5, 1984, set the matter for hearing and suspended the effective date of the tariff filing.

By petition filed September 21, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Edson Express, Inc., asks that the hearing date of November 5, 1984 be vacated; that Investigation and Suspension Docket No. 1666 be closed; and, that the tariff provisions now under suspension be allowed to be canceled.

In support of said petition, it is stated:

"Your petitioner has been instructed to seek permission to cancel the suspended matter in order that a new publication with proper justification may be made at a later date."

The Commission finds that it will be in the public interest to grant the petition and to allow the tariff provisions now under suspension to be canceled.

O R D E R

THE COMMISSION ORDERS:

1. That the petition of Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Edson Express, Inc. to cancel the matter under suspension in Investigation and Suspension Docket No. 1666 is granted.
2. That the hearing date of November 5, 1984 now set in this matter is vacated.
3. That Investigation and Suspension Docket No. 1666 is closed.
4. That the tariff publications necessary to effect the provisions of this Order shall be filed immediately to become effective on one day's notice.
5. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Arden Schmitt
Ronald L. Lehn
Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|--------------------------------|---|------------------------------|
| RE: DECREASED RATES FOR THE |) | |
| TRANSPORTATION OF FREIGHT-ALL- |) | INVESTIGATION AND SUSPENSION |
| KINDS FROM DENVER TO COLORADO |) | DOCKET NO. 1667 |
| SPRINGS AND PUEBLO FILED FOR |) | |
| HVH TRANSPORTATION, INC. IN |) | ORDER OF COMMISSION VACATING |
| COLORADO MOTOR TARIFF BUREAU |) | HEARING, CLOSING DOCKET AND |
| TARIFF NO. COB 300, COLORADO |) | ALLOWING CANCELLATION OF |
| PUC NO. COB 300, SCHEDULED TO |) | SUSPENDED MATTER |
| BECOME EFFECTIVE SEPTEMBER 10, |) | |
| 1984. |) | |
| ----- | | |

October 10, 1984

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 10, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of HVH Transportation, Inc., filed 17th Revised Page No. 295-A and Original Page No. 295-B to Colorado Motor Tariff Bureau Tariff No. COB 300, Colorado PUC No. COB 300. On August 17, 1984, 18th Revised Page No. 295-A was filed to correct the matter published on 17th Revised Page No. 295-A. Said pages proposed to decrease rates for the transportation of freight-all-kinds from Denver to Colorado Springs and Pueblo, and all pages were scheduled to become effective September 10, 1984.

Review of the filings indicated that the proposed rates were negotiated by the carrier with a particular shipper; that no supporting financial data had been furnished and no cost measurements had been made; that there was no indication that the proposed rates would be compensatory; and, therefore, the Commission was unable to determine whether the proposed rates were just and reasonable.

The Commission, by Decision No. C84-986, dated September 5, 1984, set the matter for hearing and suspended the effective date of the tariff filing.

By petition filed September 21, 1984, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of HVH Transportation, Inc., asks that the hearing date of November 13, 1984 be vacated; that Investigation and Suspension Docket No. 1667 be closed; and, that the tariff provisions now under suspension be allowed to be canceled.

In support of said petition, it is stated:

"Your petitioner has been instructed to seek permission to cancel the suspended matter in order that a new publication with proper justification may be made at a later date."

The Commission finds that it will be in the public interest to grant the petition and to allow the tariff provisions now under suspension to be canceled.

O R D E R

THE COMMISSION ORDERS:

1. That the petition of Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of HVH Transportation, Inc., to cancel the matter under suspension in Investigation and Suspension Docket No. 1667 is granted.

2. That the hearing date of November 13, 1984, now set in this matter is vacated.

3. That Investigation and Suspension Docket No. 1667 is closed.

4. That the tariff publications necessary to effect the provisions of this Order shall be filed immediately to become effective on one day's notice.

5. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 10th day of October, 1984.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller

André Schmitt

Ronald L. Lehn

Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--------------------------------------|------------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF A CELLULAR COMPANY, A DIVISION) | |
| OF A BEEPER COMPANY ASSOCIATES, FOR) | APPLICATION NO. 36477-TA |
| TEMPORARY AUTHORIZATION OF THE) | |
| RESALE OF CELLULAR RADIO TELE-) | RECOMMENDED DECISION OF |
| COMMUNICATIONS SERVICES IN THE) | EXAMINER ARTHUR G. STALIWE |
| DENVER-BOULDER, COLORADO STANDARD) | |
| METROPOLITAN STATISTICAL AREA.) | GRANTING TEMPORARY AUTHORITY |

October 11, 1984

Appearances: Tucker K. Trautman, Esq., Denver,
Colorado, for Applicant;

Karen Chapman, Esq., Denver,
Colorado, for Intervenor MCI
Airsignal of Colorado, Inc.;

Jeffrey C. Pond, Esq., Denver,
Colorado, for Intervenor
NewVector Communications, Inc.;

Mark Davidson, Assistant Attorney
General, Denver, Colorado, on
behalf of the Staff of the Commission.

STATEMENT OF THE CASE

By application filed August 8, 1984, A Cellular Company requested temporary authority to provide for the resale of cellular radio telecommunications service in the Denver and Boulder metropolitan areas. On August 14, 1984, the Commission sent notice to all who might desire to protest, object, or intervene. The record in this matter should reflect that on August 24, 1984, MCI Airsignal of Colorado, Inc., as well as MCI/McCaw Cellular System petitioned to intervene. The Staff of the Commission petitioned to intervene on September 11, 1984, and was granted intervention at the hearing conducted on September 12, 1984. Similarly, NewVector Communications, Inc., was granted permission to intervene at the outset of the hearing on September 12, 1984.

Hearing in this matter was scheduled for Wednesday, September 12, 1984. At that time the matter was heard by Examiner Arthur G. Staliwe. It should be noted that applicant presented no evidence per se in support of its application, rather arguing that as a matter of law it was entitled to authority.

Pursuant to the provisions of CRS 40-6-109, Examiner Staliwe now transmits to the Commission the record of said hearing, together with a written recommended decision containing limited findings, conclusions, and order.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. It was stipulated by the staff of the Commission that applicant is financially fit to conduct the resale of cellular radio telecommunications service.

2. Because no other evidence was tendered, no additional findings of fact are made.

DISCUSSION

To begin, the Staff's acknowledgment that applicant is financially fit to conduct the proposed operations effectively eliminates that as an issue. It is not disputed by anyone that applicant has sufficient money to enter the cellular telephone business as a reseller.

The Commission's policy regarding resellers of cellular telephone service was pertinently summarized in Decision No. C84-771 (July 6, 1984) thusly:

7. In its Decision No. C83-1454 the Commission found that resellers of telecommunications services are public utilities within the definition of CRS 1973, § 40-1-103(1). The Commission further found that entities reselling mobile telephone services, whether such services are long distance services or mobile telephone services interconnected with long line telephone services, are likewise public utilities subject to the jurisdiction of the Commission. The Commission found that resellers require a certificate of public convenience and necessity prior to commencing business, and that such certificates must be issued pursuant consonant with the doctrine of regulated monopoly.

8. On April 2, 1984, H.B. 1154 and H.B. 1264 were enacted into law by signature of the Governor. H.B. 1264 provides that telecommunications service as defined therein does not include services offered by persons whose primary business is cellular communications or the provision of mobile radio services. H.B. 1154 provides an exemption from the application of the Colorado Public Utilities laws for entities whose only business is the resale to the general public of intrastate long distance telephone services by using the tariff services and facilities of regulated telephone utilities. Neither H.B. 1264 nor H.B. 1154 affect the Commission's regulation of resellers of cellular telecommunications for local service. To the extent that the services proposed by NewVector Retail may constitute resale of long distance telephone services, a certificate of public convenience and necessity is not required.

9. In Decision No. C84-443, the Commission found that the Federal Communications Commission has pre-empted state regulatory agencies, such as the Commission, from considering grounds of technical standards or market structure in granting or denying certificates of public convenience and necessity to cellular radio operators.

10. Applicant has submitted financial data which demonstrates that Applicant is financially fit to conduct the proposed operations.

Decision No. C84-771, at pg. 2. The Commission went on to conclude that the applicant in that case "... is fit in all respects and should be granted a certificate ... to operate as a reseller of local cellular mobile telecommunications service at retail ...," and so ordered.

Harmonizing the Commission's statements, to include the concession in Finding No. 9 that the Commission had no jurisdiction over questions of market structure, the Examiner can only conclude that this Commission will certificate all applicants seeking to provide cellular mobile telephone service who are financially fit. To apply the doctrine of regulated monopoly to cellular mobile telephone service in Colorado would be a backdoor attempt at structuring the market, something which the Commission has conceded it cannot do. See Decision No. C84-443, dated April 10, 1984.

Accordingly, a grant is in order.

ORDER

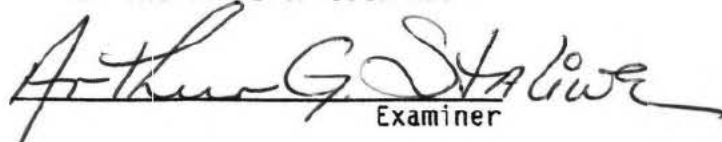
THE COMMISSION ORDERS THAT:

1. A Cellular Company is hereby granted temporary authority, pending the outcome of its permanent authority application, to conduct the resale of cellular radio telecommunications service in the Denver and Boulder metropolitan areas.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by CRS 40-6-109, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of CRS 40-6-114.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc:5114c

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO-UTE ELECTRIC
ASSOCIATION, INC.,

Complainant,

vs.

THE DENVER AND RIO GRANDE
WESTERN RAILROAD COMPANY and
WESTERN TRUNK LINE COMMITTEE,

Respondents.

CASE NO. 6397

INTERIM ORDER OF
EXAMINER WILLIAM J. FRITZEL

October 12, 1984

STATEMENT

On September 21, 1984, Complainant Colorado-Ute Electric Association, Inc. (Colorado-Ute), filed a Motion to Compel Discovery. Colorado-Ute requests that the Commission compel Respondent, The Denver and Rio Grande Western Railroad Company (D&RGW) to answer Complainant's first set of interrogatories Nos. 15, 16 and 60 served on D&RGW on September 11, 1984.

Colorado-Ute requests data from Respondent which would indicate current volumes of coal traffic, projections of traffic over the track segment involved in this proceeding, and rates charged customers over the track segment from Axial to Ute Junction, Colorado. Colorado-Ute asserts that the above requested information in questions 15, 16 and 60 is relevant to the subject matter of the action and necessary in the preparation of its case.

No reply to the Motion to Compel has been filed by D&RGW.

Rule 14M of the Commission's Rules of Practice and Procedure states that the discovery procedure contained in the Colorado Rules of Civil Procedure, Rule 26, et seq. will be followed by the Commission. Rule 26(b) of the Colorado Rules of Civil Procedure provides that the parties to an action may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter of an action which appears reasonably calculated to assist in obtaining admissible evidence. Rule 37, C.R.C.P. provides that upon reasonable notice to other parties and persons affected, a party may apply for an order compelling discovery. The Colorado courts have consistently held that the discovery rules should be construed liberally. Crist v. Goody, 31 Colo. App. 496, 507 P.2d 478 (1972), Sherman v. District Court, 637 P.2d 378 (Colo. 1981). Any dispute involving a discovery issue should be resolved in favor of allowing discovery. Hawkins v. District Court, 638 P.2d 1372 (Colo. 1982).

The discovery request of Colorado-Ute contained in its questions Nos. 15, 16 and 60 of its first set of interrogatories appear to be

reasonably calculated to lead to discovery of admissible evidence. Consequently, the order to compel should be granted. However, since the disclosure of data requested in questions 15, 16 and 60 may contain confidential information of D&RGW, a protective order should also be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. The Motion to Compel Discovery filed by Complainant Colorado-Ute Electric Association, Inc., on September 21, 1984, is granted.

2. Respondent The Denver and Rio Grande Western Railroad Company shall within 15 days of the effective date of this Order answer fully the discovery requests contained in Interrogatories Nos. 15, 16 and 60 of Complainant's first set of interrogatories.

3. Discovery of the requests contained in Nos. 15, 16 and 60 of Colorado-Ute's first set of interrogatories shall be governed by the following Protective Order:

A. Confidential Information: All documents, data information, studies and other matters furnished pursuant to Colorado-Ute Interrogatories Nos. 15, 16 and 60 (Colorado-Ute's first set of interrogatories) shall be furnished pursuant to the terms of this Order, and shall be treated by all persons accorded access thereto pursuant to this Order as constituting Confidential Information and shall neither be used or disclosed except for the purpose of this proceeding, and solely in accordance with this Order.

B. Use of Confidential Information and Persons Entitled to Review: All Confidential Information made available pursuant to this Order shall be given solely to counsel for Colorado-Ute Electric Association, Inc., and shall not be used or disclosed except for purposes of this proceeding; provided, however, that access to any specific Confidential Information may be authorized by said counsel, solely for the purpose of this proceeding, to those persons indicated by the party as being its experts in this matter. Any such expert may not be an officer, director, employee (except legal counsel) of the parties, or an officer, director, employee or stockholder or member of an association or corporation of which any party is a member, subsidiary or affiliate.

C. Nondisclosure Agreement: No access to Confidential Information shall be authorized under the terms of Paragraph B of this Order until the person authorized by counsel to have access signs a Nondisclosure Agreement in the form that is attached hereto and incorporated herein as (Exhibit A). The Nondisclosure Agreement (Exhibit A) shall require the person to whom disclosure is to be made to certify in writing that they have read this Order and agree to be bound by its terms. The agreement shall contain the signatory's full name, permanent address and employer, and the name of the party with whom the signatory is associated. Such agreement shall be delivered to counsel for the providing party and the Commission at the time of review of the documents, or as soon thereafter as practicable.

D. Delivery of Documentation: Where feasible, Confidential Information will be marked as such and delivered to counsel. In the alternative, the Confidential Information may be made available for inspection and then reviewed by counsel and experts as defined in Paragraph B herein in a place and time mutually agreed on by the parties, or as directed by the Commission.

E. Challenge to Confidentiality: This Order establishes a procedure for the expeditious handling of information that a party claims is confidential; it shall not be construed as an agreement or ruling on the confidentiality of any such document.

- (1) A party seeking to challenge the confidentiality of any materials pursuant to this Order shall first contact counsel for the providing party and attempt to resolve any differences by stipulation.
- (2) In the event that the parties cannot agree as to the character of the information challenged, any party challenging the confidentiality shall do so by appropriate pleading. This pleading shall:
 - (a) Designate the document, transcript or other material challenged in a manner that will specifically isolate the challenged material from any material claimed as confidential; and
 - (b) State with specificity the grounds upon which the documents, transcript or other material are deemed to be nonconfidential by the challenging party.
- (3) The providing party shall have 10 days to respond to said pleading.
- (4) When the Commission receives a pleading raising the question of whether any documents, data, information or studies claimed by a party to be not entitled to treatment as Confidential Information under the terms of this Order, the Commission will enter an order resolving said issue.
- (5) In the event the Commission should rule in response to such a pleading that any information should be removed from the protective requirements of this Order or from the protection of the sealed record, the parties, at the request of the providing party, and to enable the providing party to seek a stay or other relief, shall not disclosure such information or use it in the public record for five business days.

F. Receipt into Evidence: Provision is hereby made for the receipt of evidence in this proceeding under seal. At least 10 days prior to the use of or substantive reference to any Confidential Information as evidence, the party intending to use such information shall make that intention known to the providing party. The requesting party and the providing party shall make a good faith effort to reach an agreement so the information can be used in a manner which will not reveal its confidential or proprietary nature. If such efforts fail, the providing party shall separately identify, within five business days, which portions, if any, of the documents to be offered or referenced on the record containing Confidential Information shall be placed in the sealed record. Only one copy of the documents designated by the providing party

to be placed in the sealed record shall be made and only for that purpose. Otherwise, parties shall make only general references to Confidential Information in these proceedings.

- (1) Seal: While in the custody of the Commission, these materials shall be marked "Confidential - Subject to Protective Order in Case No. 6397."
- (2) Appeal: Sealed portions of the record in this proceeding may be forwarded to any court of competent jurisdiction on appeal in accordance with applicable rules and regulations, but under seal as designated herein for the information and the use of the court.

G. Use in Pleadings: Where reference to Confidential Information in the sealed record is required in pleadings, cross-examinations, briefs, argument or motions (except as provided in Paragraph F), it shall be by citation or title or exhibit number or by some other description that will not disclosure Confidential Information. Any further use of or substantive references to Confidential Information shall be placed in a separate section of the pleading or brief or submitted to the Commission under seal.

H. Segregation of Files: Those parts of any writing, depositions reduced to writing, written examinations, interrogatories and answers thereto, or other written references to Confidential Information in the course of discovery, if filed with the Commission, will be sealed by the Secretary of the Commission, segregated in the files of the Commission, and withheld from inspection by any person not bound by the terms of this Order, unless such Confidential Information is released from the restrictions of this Order either through agreement of the parties or, after notice to the parties and hearing, pursuant to the Order of the Commission and/or final order of a court having jurisdiction.

I. Preservation of Confidentiality: All persons who may be entitled to receive, or who are afforded access to any Confidential Information by reason of this Order shall neither use nor disclose the Confidential Information for purposes of business or competition, or any other purpose other than the purposes of preparation for and conduct of this proceeding, and then solely as contemplated herein, and shall take all reasonable precautions to keep the Confidential Information secure and in accordance with the purposes and intent of this Order. No party receiving Confidential Information pursuant to this Order may copy, microfilm, microfiche, or otherwise reproduce such Confidential Information without the written consent of the providing party.

J. Preservation of Rights: The parties hereto further retain the right to question, challenge and object to the admissibility of any and all data, information, studies and other matters furnished under the terms of the Protective Order on the grounds of relevancy or materiality.

K. This Order shall in no way constitute a waiver of the rights of any party herein to contest any assertion or finding of trade secret, confidentiality or privilege, and to appeal any such determination of the Commission or such assertion by a party.

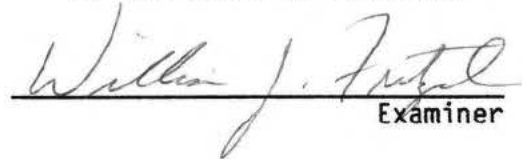
L. The provisions of this Order are specifically intended to apply to data or information supplied by or from any party to this proceeding, and any nonparty that supplies documents pursuant to process issued by this Commission.

M. Upon request of the entity providing such Confidential Information, all documents tendered pursuant to this Order shall be returned at the conclusion of this proceeding.

N. In the event compliance with the terms of this Order may be impossible, or impractical, any party may apply to this Commission for an order permitting deviation therefrom.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc:5111c

EXHIBIT A

(Decision No. R84-1156-I)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO-UTE ELECTRIC
ASSOCIATION, INC.,

Complainant,

vs.

THE DENVER AND RIO GRANDE
WESTERN RAILROAD COMPANY and
WESTERN TRUNK LINE COMMITTEE,

Respondents.

NONDISCLOSURE AGREEMENT.

I hereby agree that I have read the Protective Order entered by
the Commission in the above-captioned case (Decision No. R84-1156-I) and
agree to be bound by the terms thereof.

Name (Print or type)

Employer of Firm

Business Address

Party in Case

Date

Signature

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|------------------------------------|---|---------------|
| WILLIAM C. DANKS, |) | |
| |) | |
| Complainant |) | |
| |) | |
| vs. |) | CASE NO. 6290 |
| |) | |
| MILE HI CABLEVISION, INC. |) | |
| MILE HI CABLEVISION, ASSOCIATES, |) | |
| LTD., AND THE MOUNTAIN STATES |) | |
| TELEPHONE AND TELEGRAPH COMPANY, |) | |
| |) | |
| Respondents. |) | |
| |) | |
| THE MOUNTAIN STATES TELEPHONE AND |) | |
| TELEGRAPH COMPANY, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | CASE 6398 |
| |) | |
| TELE-COMMUNICATIONS, INC., |) | |
| COMMUNITY COMMUNICATIONS COMPANY |) | |
| AND COMMUNITY TELECOMMUNICATIONS, |) | |
| INC., |) | |
| |) | |
| Respondents. |) | |
| |) | |
| THE MOUNTAIN STATES TELEPHONE AND |) | |
| TELEGRAPH COMPANY, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | CASE 6399 |
| |) | |
| AMERICAN TELEVISION AND |) | |
| COMMUNICATIONS CORPORATION, D/B/A |) | |
| AMERICAN CABLEVISION OF LITTLETON, |) | |
| INC., AMERICAN CABLEVISION OF |) | |
| THORNTON, INC., AMERICAN |) | |
| CABLEVISION OF WHEATRIDGE, INC., |) | |
| AND AMERICAN CABLEVISION OF |) | |
| NORTHGLENN, INC., |) | |
| |) | |
| Respondents. |) | |
| |) | |
| THE MOUNTAIN STATES TELEPHONE AND |) | |
| TELEGRAPH COMPANY, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | CASE NO. 6400 |
| |) | |
| UNITED CABLE TELEVISION OF |) | |
| COLORADO, INC., AND UNITED CABLE |) | |
| TELEVISION CORPORATION, |) | |
| |) | |
| Respondents. |) | |

| | | |
|-----------------------------------|---|------------------------------|
| THE MOUNTAIN STATES TELEPHONE AND |) | |
| TELEGRAPH COMPANY, |) | |
| |) | |
| Complainant, |) | CASE NO. 6401 |
| |) | |
| vs. |) | INTERIM ORDER OF |
| |) | EXAMINER JOHN B. STUELPNAGEL |
| JONES TRI-CITY INTERCABLE, INC., |) | |
| |) | |
| Respondent. |) | |

October 15, 1984

STATEMENT

By Decision No. R84-886-I, issued August 14, 1984, motions to compel and any other pending motions in the above-captioned matters were set for hearing on September 18, 1984, at 9 a.m., in the Commission Hearing Room, Logan Tower, 1580 Logan Street, Office Level 2, Denver, Colorado 80203. A prehearing conference in the above-consolidated matters was set for September 19, 1984, at 9 a.m., at the same place. The above hearings were held as scheduled and the Motion to Dismiss filed by United Cable Television of Colorado, Inc., and United Cable Television Corporation was denied. The Motion to Compel filed by Complainant William C. Danks was denied, and the Motion to Compel Discovery against Mile Hi Cablevision, Inc., and Mile Hi Cablevision Associates, Ltd., by the Mountain States Telephone and Telegraph Company was disposed of as set forth below.

The Motion to Dismiss filed by United Cable Television of Colorado, Inc., and United Cable Television Corporation, as well as the Additional Motion to Dismiss Complaint in Case No. 6400 as to United Cable Television, Incorporated, were denied as the grounds set forth in each require initial factual determinations prior to the granting of such a Motions to Dismiss.

The Motion to Compel requesting an order compelling United Cable Television employees, Gail Penman-Wallace and Bruce Smith, to answer certain deposition questions, awarding Complainants attorneys' fees, and declaring that a March 2, 1983, letter from Gene W. Schneider, United Cable Television Corporation, to Bill Daniels is not privileged, which was filed by Complainant William C. Danks, was denied. Information sought by Complainant exceeded the scope of any issues set forth in Case No. 6290 which was the only matter commenced at the time discovery was sought.

In regard to the Motion to Compel Discovery against Mile Hi Cablevision, Inc., and Mile Hi Cablevision Associates, Ltd., filed by the Mountain States Telephone and Telegraph Company, Mile Hi states in response that the consolidation of Case Nos. 6398 through 6401 with Case No. 6290 may either alter or eliminate certain objections to discovery commenced by Mountain Bell prior to consolidation. Mile Hi has objected to any discovery regarding activities of American Television Communications Corporation outside the State of Colorado. To the extent such activities or services are referenced in any contract or franchise to provide services within the State of Colorado, objections by Mile Hi Cablevision, Inc., and Mile Hi Cablevision Associates, Ltd., are overruled. Mile Hi further objects to discovery regarding one-way service. Such information may lead to admissible evidence, and objections by Mile Hi are overruled. With regard to any further objections to discovery by

Mountain States Telephone and Telegraph Company, Mile Hi Cablevision, Inc., and Mile Hi Cablevision Associates, Ltd., shall, within 20 days of the effective date of this order, provide supplementary information and/or objections to such discovery.

On August 8, 1984, Mountain States Telephone and Telegraph Company filed a Motion to Strike Affirmative Defenses of Mile Hi Cablevision, Inc., and Mile Hi Cablevision Associates, Ltd. Matters set forth therein should be a part of this proceeding and the Motion to Strike Affirmative Defenses should be denied.

Parties to this proceeding anticipate approximately 30 hearing days in the above-consolidated matters. In order that discovery may proceed as rapidly as possible monthly hearing days on procedural motions were agreed upon as set forth in the order below. Additionally, pre-hearing conferences shall be held as set forth below. All discovery should be completed on or before March 1, 1985. An appropriate order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. The Motion to Dismiss filed by United Cable Television of Colorado, Inc., and United Cable Television Corporation, and the Additional Motion to Dismiss Complaint in Case No. 6400 as to United Cable Television Corporation are denied.

2. The Motion to Compel filed by Complainant William C. Danks, on May 14, 1984, is denied.

3. The Motion to Compel Discovery against Mile Hi Cablevision, Inc., and Mile Hi Cablevision Associates, Ltd., by the Mountain States Telephone and Telegraph Company on July 5, 1984, is disposed of as follows:

Discovery regarding any operations or services provided by American Television and Communications Corporation which are referenced in any franchise or contract for service within the State of Colorado is proper. All such information shall be provided to the Mountain States Telephone and Telegraph Company within 20 days. Information regarding one-way service may lead to admissible evidence and all such information shall be provided to the Mountain States Telephone and Telegraph Company within 20 days. Additionally, Mile Hi Cablevision, Inc., and Mile Hi Cablevision Associates, Ltd., shall, within 20 days, submit to Mountain States Telephone and Telegraph Company supplemental answers and/or objections to requests for data which were the subject of the Motion to Compel filed by Mountain States Telephone and Telegraph Company on July 5, 1984.

4. The Motion to Strike Affirmative Defenses of Mile Hi Cablevision, Inc., and Mile Hi Cablevision Associates, Ltd., is denied.

5. On each date set forth below, hearings shall commence at 9 a.m., in the Commission Hearing Room, Logan Tower, 1580 Logan Street,

Office Level 2, Denver, Colorado 80203, for hearing on any motions pending at the time of hearing:

DATES: October 15, 1984
November 19, 1984
December 20, 1984
January 8, 1985
February 13, 1985
March 12, 1985

6. Prehearing conferences in the above-captioned matters are set as follows:

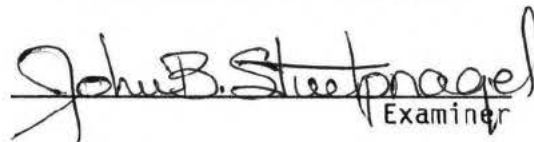
DATES: December 21, 1984
March 25 and 26, 1985

TIME: 9 a.m.

PLACE: Commission Hearing Room
Logan Tower
1580 Logan Street, Office Level 2
Denver, Colorado 80203

7. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc:5115c

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|-------------------------------------|---|-----------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF STU'S UNLOADING SERVICE, INC., |) | APPLICATION NO. 36298-PP- |
| 8228 WEST BLAKELAND DRIVE, |) | Extension |
| LITTLETON, COLORADO, FOR AUTHORITY |) | |
| TO EXTEND OPERATIONS UNDER CONTRACT |) | INTERIM ORDER OF |
| CARRIER PERMIT NO. B-4753. |) | EXAMINER KEN F. KIRKPATRICK |

- - - - -
October 15, 1984
- - - - -

STATEMENT

On May 1, 1984, Applicant Stu's Unloading Service, Inc., filed an application requesting an extension of Contract Carrier Permit No. B-4753.

The Commission gave notice of the application on May 7, 1984.

Protests were filed on May 15, 1984, by Colorado-Denver/Warehouse Delivery, Inc.; Berta Bros. Transportation, Inc.; and Platte Valley Freightways, Inc.

On May 29, 1984, Applicant Stu's Unloading Service, Inc. and Protestants Platte Valley Freightways, Inc. and Berta Bros. Transportation, Inc. filed a stipulation to restrictively amend the application. These two Protestants indicated that they would withdraw their protests if the Commission accepted the restrictive amendment contained in the stipulation. On September 21, 1984, the Applicant and Protestant Colorado-Denver/Warehouse Delivery, Inc., filed a restrictive amendment and stipulation. Protestant Colorado-Denver/Warehouse Delivery, Inc., indicated that it would withdraw its protest if the Commission accepted the restrictive amendment.

The restrictive amendments mentioned above have been examined and found to be acceptable. The matter is uncontested, and it should be considered under the Commission's modified procedure.

An appropriate Order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. The restriction contained in the stipulation filed on May 29, 1984, by Applicant Stu's Unloading Service, Inc. and Protestants Platte Valley Freightway, Inc. and Berta Bros. Transportation, Inc. is acceptable.

2. The restriction contained in the stipulation filed on September 21, 1984, by Applicant Stu's Unloading Service, Inc. and Protestant Colorado-Denver/Warehouse Delivery, Inc. is acceptable.

3. Any authority to be issued by this Commission shall include the restrictions contained in the above-mentioned stipulations.

4. This matter shall be considered under the Commission's modified procedure pursuant to Rule 17 of the Rules of Practice and Procedure of the Commission and CRS 40-6-109(5).

5. The Applicant, Stu's Unloading Service, Inc., shall file any supplemental material, affidavits, or other documents required by the Staff of the Commission for this matter to be considered under the Commission's modified procedure within thirty (30) days of the effective date of this Order.

6. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

| | | |
|------------------------------------|---|------------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF PUBLIC SERVICE COMPANY OF |) | APPLICATION NO. 32603 |
| COLORADO, FOR AN ORDER AUTHORIZING |) | |
| IT TO INCLUDE IN ITS PUC NO. 5 - |) | INTERIM ORDER OF |
| ELECTRIC TARIFF AN ELECTRIC COST |) | EXAMINER JOHN B. STUELPNAGEL |
| ADJUSTMENT CLAUSE. |) | |

- - - - -
October 15, 1984
- - - - -

O R D E R

THE EXAMINER ORDERS THAT:

1. Semi-annual review of reports for the period of October 1983 through March of 1984 is hereby set as follows:

DATE: Wednesday, December 26, 1984

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Logan Tower
Office Level 2 (OL 2)
1580 Logan Street
Denver, Colorado 80203

2. All testimony and exhibits to be used by Public Service Company for direct evidence shall be prefiled on or before October 29, 1984. Staff and all intervenors shall prefile testimony and exhibits on or before November 16, 1984, and all rebuttal testimony and evidence shall be prefiled on or before December 17, 1984.

3. Semi-annual review of reports for the period April 1984 through September 1984 is hereby set as follows:

DATE: Thursday, February 14, 1985

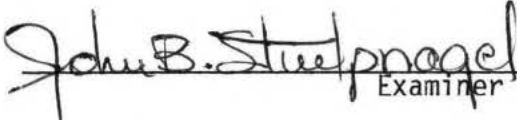
TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Logan Tower
Office Level 2 (OL 2)
1580 Logan Street
Denver, Colorado 80203

4. All testimony and exhibits to be used by Public Service Company for direct evidence shall be prefiled on or before December 17, 1984. Staff and all intervenors shall prefile testimony and exhibits on or before January 7, 1985 and all rebuttal testimony and evidence shall be prefiled on or before February 4, 1985.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

nrg:5270A