

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF THE TOWN OF KEENESBURG, ET AL,
TO CHANGE THE CROSSING OVER THE
CHICAGO, BURLINGTON AND QUINCY
RAILROAD FROM ELM STREET TO MAIN
STREET IN KEENESBURG, COLORADO.

APPLICATION NO. 9421.

January 31, 1949

Appearances: Worth Allen, Esq.,
Denver, Colorado,
for applicants;
J. L. Rice, Esq.,
Denver, Colorado,
for the Chicago,
Burlington and Quincy
Railroad Company;
A. R. Pepper, Safety
Engineer, Colorado State
Highway Department.

STATEMENT

By the Commission:

The Town of Keenesburg, Weld County, Colorado, a municipal corporation, together with the Chamber of Commerce of said town, filed an application with the Commission requesting a relocation of the crossing on the Chicago, Burlington and Quincy Railroad from Elm to Main Street in Keenesburg.

The application was set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on August 25, 1948, after due notice to all parties in interest and was there heard and taken under advisement. At the request of the attorney for the applicants, the Commissioners stated they would personally visit Keenesburg and inspect the location of the present and proposed crossing. Said visit by the Commissioners has been made.

Keenesburg, a town of approximately 350 population, is located in Weld County on U. S. Highway No. 6, and on the main line of the Chicago, Burlington and Quincy Railroad. It is approximately 40 miles northeast of Denver.

U. S. Highway No. 6 lies on the north side of the Chicago, Burlington and Quincy Railroad right-of-way and adjacent to it. The railroad and U. S. Highway No. 6 are practically parallel in a northeast-southwest direction as they pass through Keenesburg. The town lies both north and south of the railroad and U. S. Highway No. 6, with the greater portion of the business district on the south, necessitating the use of the Elm Street crossing for those wishing to do business in Keenesburg.

The Elm Street crossing lies on the west side of Keenesburg so that vehicular traffic from the west on U. S. Highway No. 6 does not have to proceed into the town proper to get to the business district but can turn on Elm Street at the edge of town and cross the railroad to Woodard Avenue, an east-west street, and thence, by a left turn, proceed to Main Street. Vehicular traffic from the east on U. S. Highway No. 6 passes through that part of Keenesburg north of the railroad to the west edge of town where the turn is made on Elm Street to cross the railroad following the same procedure as above to reach Main Street.

There is a fairly sharp short down grade on the south side of the crossing on Elm Street where the turn is made onto Woodard Avenue. This grade would be approximately the same at the proposed crossing at Main Street, the advantage being that there would be a straight approach to the proposed crossing at Main Street while at the Elm Street crossing, a right or left turn is made to get onto Woodard Avenue.

There are flasher type signal protection lights at Elm Street that show red lights to north and southbound vehicular traffic approaching the crossing, and an auxiliary set of lights that flash red to vehicular traffic on Woodard Avenue approaching the crossing from Main Street. These lights are plainly visible and the auxiliary set on Woodard Avenue give ample warning to traffic on this street even though it approaches the crossing at an angle.

The existing crossing at Elm Street is over two tracks, the main line track and a passing track, controlled by central traffic control. At the proposed Main Street crossing there are three tracks, the two mentioned above and a third, or industrial track to serve a lumber yard and grain elevators east of Main Street.

Extending Main Street and opening a new crossing would necessitate the removal of the existing railroad station platform and a relocation of the depot. A telegraph line would have to be raised for proper clearance, the crossing protection lights would have to be moved to the new crossing site. Because of the location of the proposed crossing, full advantage could not be taken of the existing passing track, so it would have to be extended 650 feet eastward. The railroad, in Exhibit No. 13 of this proceeding, has shown the itemized cost of doing all the necessary work for the new proposed crossing, broadly outlined above, together with the cost involved of closing the existing crossing on Elm Street. The total cost according to testimony, including material and labor, would be \$26,764.00.

Testimony was given at the hearing as to sight distances at the proposed crossing, and photographs were submitted by both parties showing the existing and proposed crossing location. While the existing crossing at Elm Street has some disadvantages to the merchants of Keenesburg from a business viewpoint, it has the important advantage of being less hazardous to the general public when viewed from the angle of public safety. Despite any deficiency in the existing Elm Street crossing in regard to sight distances, it is better in this respect than the proposed crossing at Main Street. The close proximity of the lumber company and coal shed on Main Street on the south and east side of the proposed crossing blocks the view to a greater degree than is true at the Elm Street crossing. The Elm Street crossing being further west, gives the advantage found in the added distance for seeing trains approaching from the east and the added time for stopping thereby. The view to the west from the existing Elm Street crossing is adequate if attention is paid to the crossing protection lights.

The sight distances from the north side of the proposed Main Street crossing looking west would not be as good as the present Elm Street crossing as the depot would be in the line of sight as one approached the crossing. No obstacle blocks the view to the west from the north side of the present Elm Street crossing. If the depot were moved too far west for better sight distance, it would not serve its purpose as it is now located adjacent to Main Street within easy access to the public. Again, the sight distance to the east from the north side of the Elm Street, or existing crossing is adequate, attention being given to the lights.

Vehicular traffic entering U. S. Highway No. 6 from the south, on the existing crossing, has good visibility east and west, while at the proposed Main Street crossing this visibility is restricted by the depot on the west and a railroad car body and garage on the east. Vehicular traffic on U. S. Highway No. 6 approaching the proposed Main Street crossing from the east would have restricted visibility by this same railroad car body and garage east of the proposed crossing, while traffic eastbound would have limited visibility because of the depot. Traffic east and westbound on U. S. Highway No. 6 have good visibility of the existing approaches of the Elm Street crossing.

The State Highway Department filed an objection to the granting of the proposed Main Street crossing, concluding with the statement:

"A definite objection exists to the opening of this crossing from the standpoint that a new intersection is thereby created, which, by virtue of the location of adjacent buildings, makes the highway approach visibility a definite hazard."

Attached hereto, and made a part hereof, is schematic diagram of the locations involved and referred to in this Statement.

FINDINGS

THE COMMISSION FINDS:

That the public convenience and necessity would not be served to advantage by permitting said proposed crossing.

That the opening of the proposed crossing of Main Street in Keenesburg, Colorado, as extended, would not be in the public interest, as it would create a crossing that would be more hazardous to the public than the existing crossing on Elm Street.

O R D E R

THE COMMISSION ORDERS:

That the application of the Town of Keenesburg, et al, to change the crossing over the Chicago, Burlington and Quincy Railroad from Elm Street to Main Street in said town, be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

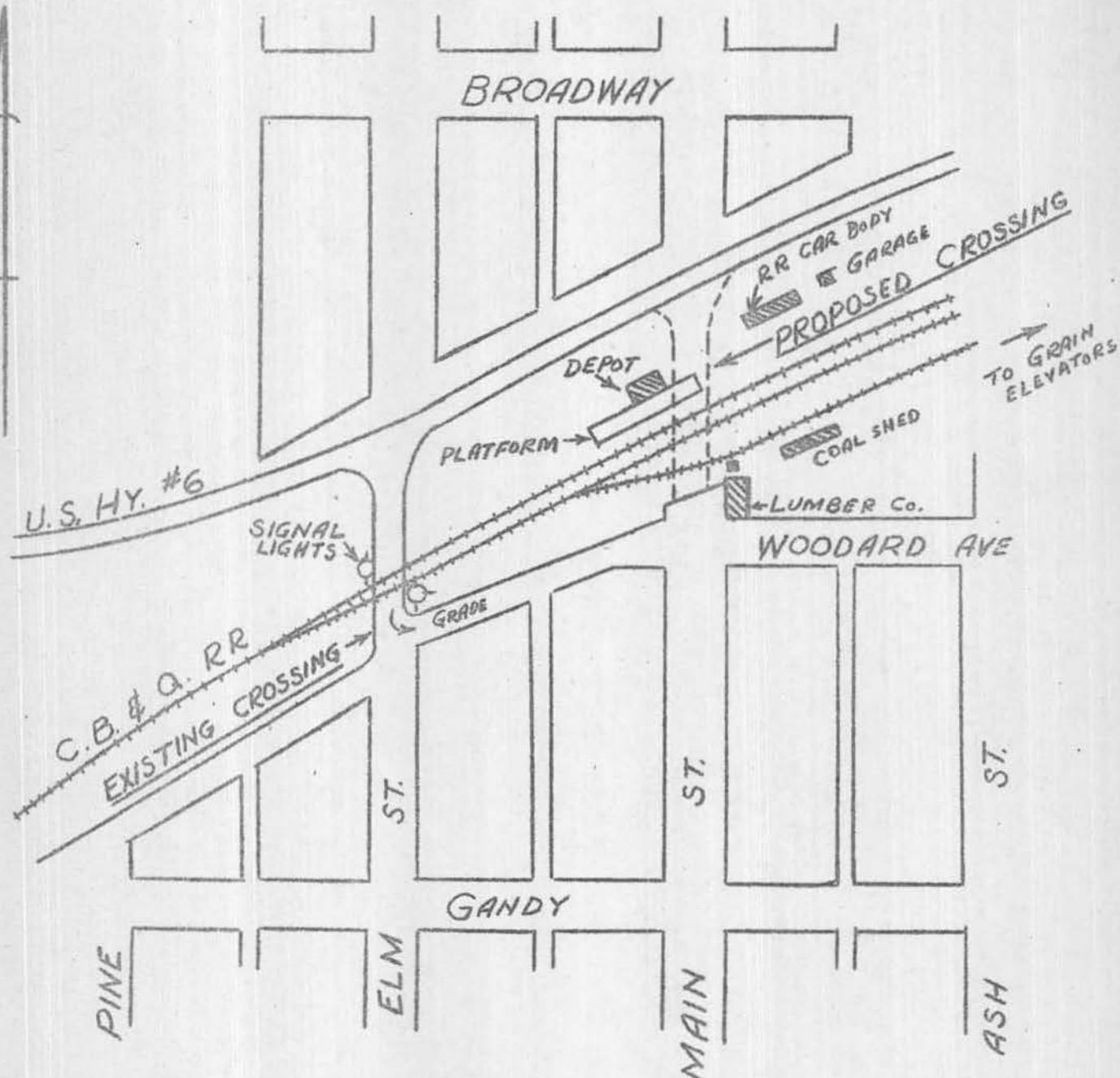
Ralph C. Horton

John P. Barry
Commissioners.

Dated in Denver, Colorado,
this 31st day of January, 1949.

ee

APPLICATION # 9421
KEENESBURG, COLO.



SCHEMATIC DIAGRAM
PROPOSED CHANGE IN
RAILROAD CROSSING FROM
ELM ST. TO MAIN ST.
IN KEENESBURG, COLO.

SCALE 1" = 200' Approx.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
W. F. MARLAR, DOING BUSINESS AS
"BILL'S CAB COMPANY," 1508 WELTON
STREET, DENVER, COLORADO, TO TRANSFER
PUC NO. 1220 TO MINNIE G. SHREYER,
DOING BUSINESS AS "MIN'S CAB COMPANY,"
2558 WELTON STREET, DENVER, COLORADO.

APPLICATION NO. 9562-Transfer.

February 1, 1949

Appearances: John F. Mueller, Esq.,
Denver, Colorado, for
Transferor and Transferee;
J. G. Hodges, Esq., Denver,
Colorado, for Rocky Mountain
Parks Transportation Company.

STATEMENT

By the Commission:

By Decisions Nos. 11810, 12013, and 13073, W. F. Marlar,
doing business as "Bill's Cab Company," was authorized to operate a non-
scheduled taxicab service for the:

Transportation of passengers and hand baggage
between Denver and Arvada, Aurora, Broadmoor
Country Club, Cherry Hills, Crown Hill, Derby,
Englewood, Fairmount, Fitzsimons General Hospital,
Ft. Logan, Golden, Hart's Corner, J. C. R. S.,
Lakewood Country Club, Littleton, Loretto Heights,
Lutheran Sanatorium, Morrison, Mt. Olivet, O. F. S.
Home (Sullivan) Rifle Range, Rock Rest and Welby,
(Red Rocks Scenic Attraction not included), and
other points within the Metropolitan area around
Denver, not more distant from the Denver city limits
nor beyond the places named above.

Amends Dec. 11810 to read as follows: Applicant
given authority to transport passengers and hand
baggage between the Denver City Limits and Arvada,
Aurora, Broadmoor Country Club, Cherry Hills, Crown
Hill, Derby, Englewood, Fairmount, Fitzsimons Gen-
eral Hospital, Ft. Logan, Golden, Hart's Corner,
J. C. R. S., Lakewood Country Club, Littleton,
Loretto Heights, Lutheran Sanatorium, Morrison,
Mt. Olivet, O. F. S. Home (Sullivan), Rifle Range,
Rock Rest and Welby, (Red Rocks Scenic Attraction
not included), and other points within the Metro-
politan area around Denver, which are outside of
the City Limits but within a 12-mile radius of
16th and Champa Streets, Denver.

Authority given for the transportation of passengers and hand baggage from and to points within the City and County of Denver, to and from Arvada, Aurora, Broadmoor Country Club, Cherry Hills, Crown Hill, Derby, Englewood, Fairmount, Fitzsimons General Hospital, Ft. Logan, Golden, Hart's Corner, J. C. R. S., Lakewood Country Club, Littleton, Loretto Heights, Lutheran Sanatorium, Morrison, Mt. Olivet, O. E. S. Home (Sullivan) Rifle Range, Rock Rest and Welby (Red Rocks Scenic attractions not included), and other points within the Metropolitan area around Denver which are outside of the City Limits but within a 12-mile radius of 16th and Champa Streets, Denver.

The instant application was filed August 31, 1948, and heard October 8, 1948, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, after notice to all parties in interest, and after hearing, was taken under advisement.

Mrs. W. F. Marlar, Conservatrix of the Estate of William F. Marlar, testified that her husband, doing business as "Bill's Cab Company," operated under PUC 1220 for eight years; that at one time he operated 27 taxicabs, but that due to labor shortages and other difficulties, these cabs were sold in November, 1947, to the Zone Cab Company, however, Certificate No. 1220 was retained by him; that she has been unable to obtain new licenses to operate within the corporate limits of the City and County of Denver, and that she is now desirous of transferring Certificate No. 1220 to Minnie G. Shreyer, doing business as "Min's Cab Company," for the sum of \$250.00. There is presently one lawsuit pending against Bill's Cab Company in the District Court of the City and County of Denver. Witness alleges that should judgment be rendered against the cab company, there are sufficient assets to pay such judgment; that there is no wheel tax due and there are no other obligations, except the lawsuit in question. There has been filed with this Commission an order of the County Court of the City and County of Denver, authorizing the transfer of PUC-1220 by said Conservatrix.

Minnie G. Shreyer, doing business as "Min's Cab Company," testified that she has been in operation for four years; that she has 9 herdlic licenses and 1 master license; that her place of operation is 2558 Walton Street, Denver, Colorado, and that at present she has no authority to serve Buckley Field or Fort Logan; that she will comply with all rules and regulations of the Commission.

Inasmuch as the files of the Commission and the application herein show that the certificate is in good standing; that the road tax has been paid and the passenger-mile tax deposit is to be transferred to the account of transferee; that there are no outstanding unpaid operating obligations against the certificate, except the lawsuit in question; that the transferee, pecuniarily and otherwise, is qualified to carry on the operation, the Commission determines that this transfer should be made.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

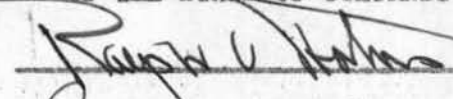
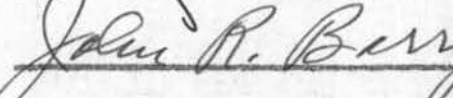

That Mrs. William F. Marlar, Conservatrix of the Estate of W. F. Marlar, doing business as "Bill's Cab Company," Denver, Colorado, be, and she hereby is, authorized to transfer all right, title and interest in PUC-1220 to Minnie G. Shreyer, doing business as "Min's Cab Company," Denver, Colorado, subject to any outstanding indebtedness, if any there be.

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

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering her operations under said certificate up to the time of the transfer of said certificate, and the payment by her or transferee of all unpaid passenger-mile tax.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
LEONARD SIMONSON, GENERAL DELIVERY,
OURAY, COLORADO, FOR A CLASS "A"
PERMIT TO OPERATE AS A PRIVATE CAR-
RIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9684-PP.

February 1, 1949

Appearances: Leonard Simonson, Ouray,
Colorado, pro se;
Jerome A. Paul, Esq.,
Ouray, Colorado, for
Fellin Brothers, Telluride
Transfer Company, and
W. J. Smith;
Bryant, Petrie & Brooks, Esqs.,
Montrose, Colorado, for
San Juan Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of lead and silver ore from the Silver Crown Mine, located eight miles from Silverton, to the American Lead and Zinc Mill, three and one-half miles north of Ouray, Colorado.

The evidence disclosed that Mr. Simonson has a two and one-half-ton truck; that his net worth is approximately \$1,000.00, and that he is a part owner of the Silver Crown Mine. He is desirous of serving this one customer only.

The evidence further disclosed that Mr. Simonson would like to have the authority to transport mine timber back to the mine as a return haul. The application so limited is not objectionable to any of the protestants.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

ORDER

THE COMMISSION ORDERS:

That Leonard Simonson, of Ouray, Colorado, should be, and hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for the transportation of ore from the Silver Crown Mine, eight miles from Silverton, Colorado, to the American Lead and Zinc Mill, three and one-half miles north of Ouray, Colorado.

That applicant should be, and hereby is, authorized to transport mine timbers on return haul to said mine, and that he is limited to one customer only, viz. the Silver Crown Mine.

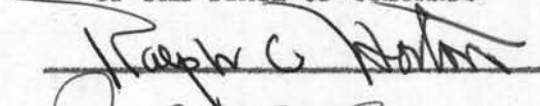
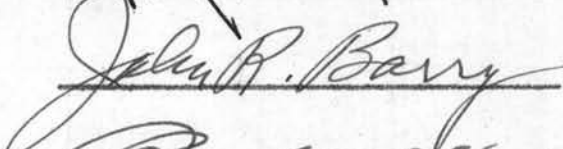
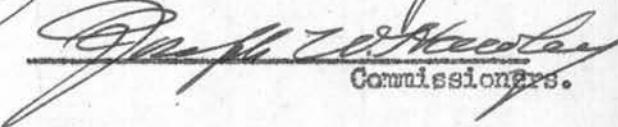
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
WILLIAM E. FAAST, DOING BUSINESS AS }
"FAAST TAXI SERVICE," MONTROSE, COLO- } APPLICATION NO. 9672-Extension.
RADO, FOR AN EXTENSION OF PUC NO. 1648. }
----- }

February 1, 1949

Appearances: Bryant, Petrie & Brooks, Esqs.,
Montrose, Colorado, for
applicant;
Jerome A. Paul, Esq., Ouray,
Colorado, for Telluride
Transfer Company;
Alfred Crager, Denver, Colorado,
and
Chas. R. Deisher, Denver, Colorado,
for Continental Bus System.

S T A T E M E N T

By the Commission:

Heretofore, applicant has been granted authority under
PUC No. 1648, with its extensions, to operate a taxicab service for the
transportation of passengers in cabs of not to exceed five-passenger
capacity. Those authorities bear the following decision numbers:

Decision No. 25164 - November 21, 1945;
Decision No. 26270 - July 19, 1946; and
Decision No. 28635 - July 16, 1947,

which are hereby made a part of this Statement, by reference.

The instant application for extension was filed September 11,
1948, and set for hearing, and heard, at the Court House in Ouray, Colorado,
on December 7, 1948.

The evidence disclosed at that time that Mr. Faast has made
an investigation of Telluride as to its possibilities for operating a taxi-
cab service and business; that he has had numerous requests for taxicab
service within the Town of Telluride, and from persons residing in Telluride
desiring to make bus connections at Placerville, Colorado.

The evidence further disclosed that there is presently no one
operating such a service in the vicinity.

Homer A. Reed, Mayor of Telluride, Colorado, testified in support of this extension, stating that he knew Mr. Faast, knew of his service and ability to serve, and that in his opinion the Town of Telluride needed such service; that the town has already given Mr. Faast the necessary authority prerequisite to our granting a certificate.

Protestants offered no testimony.

By the terms of Mr. Faast's application, he states that he is desirous of operating a taxicab under the same conditions and terms as set out in all prior decisions under PUC No. 1648 as to tariff and other rules, save and except that between the towns of Telluride and Placerville, the rates shall be 20 cents per mile for the first two passengers, and 10 cents per mile for each additional passenger. Further, and in conformance with the other decisions under this authority, he is desirous of operating a taxi service to transport passengers and their baggage as a common carrier from the Town of Telluride on the one hand, and from and to all points in the Counties of Montrose, San Miguel, San Juan, Ouray, Hinsdale and Gunnison.

FINDINGS

THE COMMISSION FINDS:

That the instant application should be granted, and that the Statement above should be made a part of these Findings.

ORDER

THE COMMISSION ORDERS:

That the public convenience and necessity require the extension of the motor vehicle service of applicant under PUC No. 1648 for the transportation of passengers and their baggage in the Town of Telluride, and for the transportation of passengers and baggage from the Town of Telluride on the one hand, to and from all points in the Counties of Montrose, San Miguel, San Juan, Ouray, Hinsdale, and Gunnison, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations in conformance with the rules and regulations of this Commission within twenty days from date, and in conformance with all other tariffs and rules and

regulations under prior decisions of Certificate No. 1648, save and except the tariff between Telluride, Colorado, and Placerville, Colorado, which shall be 20 cents per mile for the first two passengers, and 10 cents per mile for each additional passenger.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holm

John R. Barry

Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1949.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
HERMAN V. ZUECK, 1228 SNOWDEN STREET,
SILVERTON, COLORADO, FOR A CLASS "A"
PERMIT TO OPERATE AS A PRIVATE CARRIER
BY MOTOR VEHICLE FOR HIRE.

} APPLICATION NO. 9674-PP.
}

February 1, 1949

Appearances: Herman V. Zueck, Silverton,
Colorado, pro se;
Jerome A. Paul, Esq., Ouray,
Colorado, for Fellin Bros.,
San Juan Transportation Co.,
and Wm. J. Smith;
T. A. White, Esq., Denver, Colorado,
and
A. J. Tait, Denver, Colorado, for
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The instant application was filed September 10, 1948, set
for hearing, and heard, December 7, 1948, in the Court House at Ouray,
Colorado, and there taken under advisement.

The testimony disclosed that the applicant, Herman V. Zueck,
of Silverton, Colorado, is presently desirous of hauling coal between
Silverton and Durango, Colorado, and Grand Junction, Colorado, via Highways
Nos. 550 and 50. The evidence further disclosed that applicant possesses
two trucks, one being a K-7, 1946, 1½-ton International, the other a K-5,
1943, 1½-ton International; that his net worth is approximately \$4,000.00.

Applicant stated that he has no customers now "and does not
know that anyone will be interested in his service." He has a hydraulic
lift for his equipment, and further stated that some operators had no ob-
jection to his authority being granted.

Oliver Fellin, a partner of Fellin Brothers, holders of
PUC-871, testified that his operation has 12 to 14 trucks, and that they are

worth about \$80,000.00; that they now have surplus equipment available to haul any and all commodities requested by the instant application, and that in his opinion such authority was not needed.

A. J. Tait, of Rio Grande Motor Way, Inc., holder of PUC-149, testified that there is daily truck service between Durango and Grand Junction, and that in his opinion there was adequate freight service over the territory sought by the applicant.

This applicant is here requesting a private or contract carrier service. The law is explicit, and the Commission has ruled innumerable times that any such applicant must have customers whom he is going to serve. Here, this applicant, by his own statement, says that he has no customers and does not know whether anyone is interested in his service. He, in effect, is interested in getting into the trucking business in competition with presently operating common carriers in the area. This, the Commission cannot permit.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied for lack of showing of anyone to serve.

O R D E R

THE COMMISSION ORDERS:

That the instant application should be, and hereby is, denied.
This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph E. Hutton
John B. Barry
Joseph C. McClellan
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1949.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
HERSCHEL J. COOPER, AN INDIVIDUAL,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)
-----)

APPLICATION NO. 9680.

January 31, 1949

Appearances: Jerome A. Paul, Esq.,
Ouray, Colorado, for
applicant;
Strang and Loesch, Esqs.,
Montrose, Colorado, for
Albert D. Fredericks;
Alfred Crager, Denver,
Colorado, and
Chas. R. Deisher, Denver,
Colorado, for Continental
Bus System.

STATEMENT

By the Commission:

The above-styled application was filed on November 19, 1948,
and after due notice to all parties in interest, was heard in the Court
House in Ouray, Colorado, on December 7, 1948.

The evidence disclosed that the applicant, Herschel J. Cooper,
is desirous of obtaining a certificate of public convenience and necessity
from this Commission for the purpose of transporting passengers over U. S.
Highway No. 550 from the Town of Ouray, Colorado, to the Treasury Tunnel
at Red Mountain, Colorado, said Treasury Tunnel now being operated by the
Idarado Mining Company.

The evidence further disclosed that applicant proposes to
operate under the following schedule:

SCHEDULE OF PASSENGER TARIFFS

For each person from Ouray to the Treasury Tunnel Mines, and return	\$.70
For each person - one-way fare	\$.35

DAY SHIFT SCHEDULE:

Leave Ouray 7:00 A .M. Arrive Treasury Tunnel 7:45 A.M.

Leave Treasury Tunnel . . . 4:45 P. M. Arrive Ouray 5.30 P. M.

NIGHT SHIFT SCHEDULE:

Leave Ouray 5:35 P. M. Arrive Treasury Tunnel 6:20 P. M.

Leave Treasury Tunnel . . . 3:15 A. M. Arrive Ouray 4:00 A. M.

Applicant also has purchased, and now has in operation, a 1948 2½-ton GMC 40-passenger bus.

Mr. Cooper, the applicant herein, testified that he is desirous of common carrier authority to transport passengers, principally miners working for the Idarado Mining Company, to and from Ouray at the beginning or termination of their shifts. He stated he has had numerous requests to institute a reliable and dependable bus service. His testimony disclosed that of the two-hundred-some-odd men now employed by the Idarado Company, forty to sixty of these men reside in Ouray with their families, and they are therefore desirous of obtaining transportation to and from their work. He further stated that the mine is twelve miles south of Ouray. He, himself, has worked at the mine for some two years and has ridden the present bus, which is operated by Mr. Fredericks under Permit No. A-3423, to and from the mine. He stated that this bus has been in bad repair and inefficient operating conditions for some time, having bad lights, bad brakes, and inadequate heating facilities. He stated that he is not desirous of hauling any tourists to or from the mine, which operation might conflict with the operating rights of Continental Bus System.

Mr. Fred Weize, General Manager of the Idarado Mining Company, testified in behalf of applicant, evidencing his desire for the institution of a dependable bus service to and from Ouray and the mine. He also stated that Mr. Fredericks' service has been unreliable, and that throughout the course of the operation, he has occasionally subsidized Mr. Fredericks, or loaned him money for payment and repairs on the bus.

Mr. Lester Best, of Ouray, Colorado, who is employed at the mine, stated that the present service has been inadequate, and on numerous occasions the bus did not run, and he, therefore, lost his shift at the mine; that it was not properly heated and not in good operating condition. He further stated that no one was interested in the present service if a better service were available.

Mr. Ben Gadby, of Ouray, Colorado, who is also employed at this mine, stated he was a daily commuter, and he, likewise, complained of a lack of heat and irregularity of the present service.

Mr. Albert D. Fredericks, of Ouray, operator and holder of Permit No. A-3423, testified that he has been, and still is, operating a bus between the two points in question. He stated that the operation has not been profitable; that the operating conditions have been extremely bad, and that due to these two factors, it has been difficult for him to give what service has been available. He also stated that he has not filed any customer lists with this Commission, but on the other hand, has provided transportation service for whomever appeared and was desirous of being transported to the mine. He also complained that many of the passengers ride the bus only in bad weather, and at other times use their own cars or a share-the-ride system with persons who do have automobiles. Mr. Fredericks stated his bus cost \$3,350.00, and in the course of three years he has spent \$1,800.00 on new equipment and repairs on same.

Mr. G. A. Frans, operator of a garage in Ouray, testified as to the condition of the bus, he having serviced it many times; he also testified as to the repairs needed, and for the reason of one three-week delay in this bus service, which was occasioned by the need for having the motor overhauled.

Mr. John Clements, of Ouray, who acted as Mr. Fredericks' driver on the off-shift, stated that on the night shift there were fewer persons who rode the bus than on the day shift, and they occasionally took a car instead of driving this large bus for so few passengers. He further stated that it had been difficult to obtain a heater which would adequately heat this

bus under the present operating conditions, but that in his opinion the brakes were good.

This application poses a problem which is not novel. The present operator is a private or contract carrier, while the applicant seeks authority to operate as a common carrier. The fundamental distinctions between these two operations are so well known that we do not feel it necessary to review, elaborate, or enlarge upon them in this order. It is the opinion of the Commission that the territory and terrain over which this bus operation must traverse is probably the most rugged in the State of Colorado -- possibly in the United States. Ouray is situated in the heart of the San Juan Mountains and the Treasury Tunnel twelve miles south is on the northern slope of Red Mountain Pass. The intervening distance of twelve miles is through an extremely deep gorge of the Uncompaghe River. The highway is more familiarly known as the Million Dollar Highway. The winters are very long and extremely severe, and the snow is very deep at all times throughout the long winter season. Temperatures are quite low, and snow slides, accompanied by falling rock from the hanging wall of the highway, add their bit to the difficulties any transportation system will have which operates over this road. It is understandable why Mr. Fredericks has had breakdowns and difficulties with his operation. It takes very heavy and high-powered automotive equipment to operate anywhere in the San Juan area.

From a practical standpoint of regulation and operation, the Commission feels that due to the nature of service required, this is an operation which requires a common carrier certificate. Mr. Fredericks, operating as a private or contract carrier, has no duty or obligation to operate unless he is desirous of so doing. The relationship between him and his passengers is simply that of contract, and he has no duty or obligation to serve if he does not want to, or to maintain a regular schedule. Mr. Cooper, on the other hand, should he be granted a certificate, must maintain the schedules set forth in his application, through fair weather or foul, and whether he has passengers or not. This is a fundamental obligation imposed upon all common carriers.

-4-

It seems to us, from the evidence adduced at the hearing, that one of the principal difficulties of this operation is that Mr. Fredericks has never procured, nor maintained, adequate standby equipment to use in the event of breakdowns, which any operator in this locality is bound to have. Mr. Cooper, on the other hand, will be required, since he seeks a certificate of public convenience and necessity, to maintain adequate standby equipment. We think it pertinent here to cite Rule 17, Sub-section (h) of the Rules and Regulations Governing Motor Vehicle Carriers, as promulgated by this Commission November 1, 1939. The rule says:

"(h) Sufficient reserve equipment shall be maintained by all motor carriers to insure the reasonable maintenance of established routes and fixed time schedules. Where a carrier's equipment is limited by its certificate of convenience and necessity, no increase thereof is permissible except on application to and authorization by the Commission."

F I N D I N G S

THE COMMISSION FINDS:

That the instant application of Herschel J. Cooper, for a certificate of public convenience and necessity, should be granted, as limited in the order.

That applicant should provide adequate standby equipment for this operation.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require the proposed motor vehicle operation of applicant Herschel J. Cooper for the conduct of a passenger service between Ouray, Colorado, and the Treasury Tunnel at Red Mountain, Colorado, over U. S. Highway No. 550, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor. However, Mr. Cooper shall be limited to haul only those persons working at, or having some business with, the Idarado Mining Company, and he shall not haul tourists, sightseers, or other persons who do not have occasion to visit said mine other than those enumerated supra.

That Mr. Cooper shall procure and maintain adequate standby equipment in conformance with Rule 17, Sub-section (h) of the Rules and Regulations Governing Motor Vehicle Carriers.

That applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 31st day of January, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. C. DAVIS, RIFLE, COLORADO, FOR) APPLICATION NO. 9685.
A COMMON CARRIER PERMIT.)
-----)

February 1, 1949

Appearances: Cole and Cole, Esqs.,
Glenwood Springs, Colo-
rado, for applicant;
Marion F. Jones, Esq.,
Denver, Colorado, for
Richard H. Estes, E. W.
Wallace, Daryl Hinkle,
and Wayne Kutz.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to ~~operate~~ as a common carrier by motor vehicle for hire, for the transportation of livestock and other commodities to and from the Rifle sale yard near Rifle, Colorado, within a radius of fifty miles of said sale yard, confining his operations to the hauling of such livestock and other personal property as shall be consigned to said sale yard for sale or purchase at said sale yard and requiring transportation to places within said radius designated by the purchasers.

The application was set for hearing at the Court House at Glenwood Springs, Colorado, on January 25, 1949, at ten o'clock A. M.

When the application was called for hearing, applicant's attorneys interposed a motion that the hearing be vacated and the application reset for hearing at some future time at the convenience of the Commission, on the ground that applicant's witnesses were all snowbound in the mountains at some distance from Glenwood Springs, the place of hearing, and had not been able to reach Glenwood Springs.

No objection to the action suggested was made by protestants, with the understanding that applicant should file an amended application, limiting the service requested to the use of one straight truck of a capacity not to exceed one and one-half tons.

F I N D I N G S

THE COMMISSION FINDS:

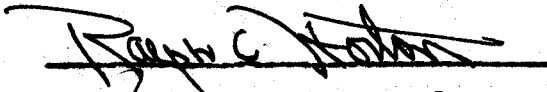
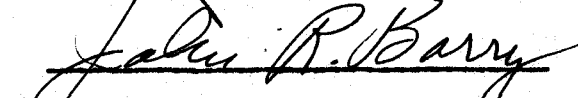
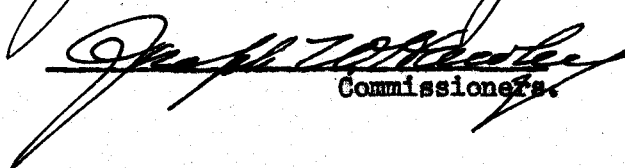
That the motion of applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That the hearing herein be, and the same is hereby, vacated,
subject to the application being reset for hearing at some future date
that shall meet the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NATHAN A. SPARKS, SILT, COLORADO,) APPLICATION NO. 9318-Extension.
FOR EXTENSION OF PUC NO. 1238.)
-----0

February 1, 1949

Appearances: Cole and Cole, Esqs.,
Glenwood Springs, Colo-
rado, for applicant;
Marion F. Jones, Esq.,
Denver, Colorado, for
Richard H. Estes and
E. W. Wallace.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend Certificate of Public Convenience and Necessity No. 1238 to include the transportation of farm products and other commodities specifically listed in the application, between points in the area described in his original certificate on the one hand, and points in the State of Colorado on the other hand, excluding transportation of commodities other than livestock and bulk farm products between points served by scheduled carriers.

The application was set for hearing in Glenwood Springs, Colorado, for January 25, 1949, at ten o'clock, A. M.

When the application was called for hearing, applicant, through his attorneys, applied for vacation of the setting, and asked that the application be reset for some future time convenient to the Commission, on the ground that applicant's witnesses were snowbound and could not be present at the time set.

No objection to this request was made by protestants.

F I N D I N G S

THE COMMISSION FINDS:

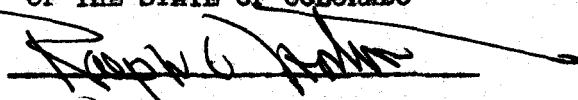
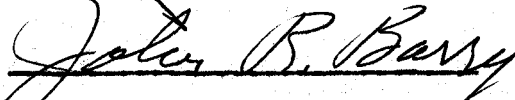

That the motion of applicant should be granted.

ORDER

THE COMMISSION ORDERS:

That the hearing herein be, and the same is hereby, vacated,
subject to the application being reset for hearing at some future date
that shall meet the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM W. GENTRY, MEEKER, COLORADO,)
FOR A PERMIT TO OPERATE TRUCKS FROM)
THE VANADIUM AND URANIUM MINES IN)
THE NORTHEASTERN PART OF RIO BLANCO)
COUNTY, TO RIFLE, COLORADO.)
-----)

APPLICATION NO. 9741-PP

February 1, 1949

Appearances: G. P. Rigby, Esq.,
Meeker, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vanadium and uranium ore from the mines in the northeastern part of Rio Blanco County, Colorado, located in Section 22, Township 2 North, Range 92 West of the 6th P. M., in Rio Blanco County, Colorado, to the mill of the U. S. Vanadium Corporation at or near Rifle, Colorado.

The application was set for hearing, and heard, at the Court House in Glenwood Springs, Colorado, on January 25, 1949, and there taken under advisement.

Applicant testified that his equipment consisted of one Ford F-8 truck, 1948, capacity 3 tons, one International truck, 1948, capacity 2½ tons, one International truck, 1939, capacity 2 tons, and one Ford truck, 1939, capacity 2 tons, all of said trucks being dump trucks and having a value of \$13,420. He gave his net worth as \$150,000.

Applicant further testified that Quinton Burrell, of Meeker, Colorado, and applicant own several mining claims, some of them being owned by the two men jointly, and others owned by applicant or Burrell individually, and applicant desires to haul uranium and vanadium ore from these mining claims to the mill of the U. S. Vanadium Corporation at or near Rifle, Colorado.

The mining claims are located about eight miles from the nearest County road, and this eight-mile stretch of road is the private road of himself and Burrell and is maintained by them. After the trucks reach the County roads, they follow a County road for a distance of approximately twenty miles to Meeker, Colorado, and then follow State Highway No. 13 from Meeker, Colorado, to the mill referred to. Applicant agreed to transport ore for himself, only, or for Quinton Burrell, or for both of them jointly, from their own mining claims.

The U. S. Government is interested in the transportation of this ore, and pays applicant six and a half cents per ton mile up to sixty miles, while the owners of the ore pay an additional seven and a half cents per ton mile for that part of the transportation over the County road and State Highway No. 13, and nine and one-half cents per ton mile over the eight-mile stretch of road from the County road to the mining claims. There is no other motor carrier authorized to conduct the operation.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That William W. Gentry, of Meeker, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of vanadium and uranium ore, from mines owned by applicant and Quinton Burrell jointly, or mines owned by them individually, and located in Section 22, Township 2 North, Range 92 West of the 6th P. M., in Rio Blanco County, Colorado, to the mill of the U. S. Vanadium Corporation at or near Rifle, Colorado.

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

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hooton

John R. Barry

Joseph C. Keeler
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) JOE DELSAS, 1029 COLORADO STREET,) GLENWOOD SPRINGS, COLORADO, FOR A) CLASS "B" PERMIT TO OPERATE AS A) PRIVATE CARRIER BY MOTOR VEHICLE) FOR HIRE.) -----)	APPLICATION NO. 9745-PP.
---	--------------------------

February 1, 1949

Appearances: Joe Delsas, Glenwood Springs,
Colorado, pro se;
Cole and Cole, Esqs., Glenwood
Springs, Colorado, for
Ray Fulbright.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B"
private carrier by motor vehicle for hire for the transportation of:

Coal from mines within a radius of 15 miles of
Glenwood Springs, Colorado, to railroad docks
at Glenwood Springs, Colorado, and to other
points within said radius.

The application was set for hearing, and heard, at the Court
House in Glenwood Springs, Colorado, on January 25, 1949, and there taken
under advisement.

Applicant testified that his equipment consisted of a 1948
GMC truck, 2-ton capacity, with dump bed, mortgaged for \$1600.00, and estim-
ated his net worth at \$2,000.00. Prior to the date of the application, appli-
cant had beenhauling coal from the mine of the Sunlight Coal Company, about
eleven miles south of Glenwood Springs, Colorado, to the railroad docks at
Glenwood Springs, at a rate of 75 cents per ton, and had also, at times, hauled
coal from the mine of the Diamond Fuel Company, approximately eight miles
southeast of Glenwood Springs, to said railroad docks. However, the Diamond
Fuel Company had not been producing for the past several months.

A controversy arose between applicant and the Sunlight Coal Company as to the rates charged, and the applicant insisted on a rate of 90 cents per ton in lieu of the rate of 75 cents per ton. The Company refused to raise the rate, and applicant quit hauling coal for the Company.

Protestant Ray Fulbright then purchased Certificate of Public Convenience and Necessity No. 782 from one Tony Rakich, and the transfer was authorized, subject to certain conditions, by this Commission, in Decision No. 31599, of date December 1, 1948, and since that time Fulbright has been hauling all the coal that has been hauled from the Sunlight Coal Company to the railroad docks at Glenwood Springs, at the old rate of 75 cents per ton.

Ray Fulbright testified that he has been hauling coal from the Sunlight Mine since December, 1946, under his Commercial Carrier Permit, until the fall of 1948, when the oral contract between Delsas and the Sunlight Coal Company expired. Since that time, he has been hauling about a car of coal per week from the mine, first, under his "C" permit, and since nearly in December, 1948, under the authority embraced in PUC-782. He has also continued to haul coal from other mines to customers at Glenwood Springs under his "C" permit. He is charging the Sunlight Coal Company 75 cents per ton, and has an oral contract with said Company to haul all of its output at that rate. He states that he can haul at that rate and still make a profit.

Applicant testified that there was not sufficient business developed at the Sunlight Mine for two operators, and he refused to haul coal any longer at the rate of 75 cents per ton, and the Sunlight Coal Company refused to pay more than that amount for the transportation. He stated he had no present customers, and, so far as the evidence discloses, he has no prospects of obtaining any customers under a "B" permit.

While it is evident from the records of the Commission that Ray Fulbright is operating illegally, because of his failure, up to date, to file a description of equipment, insurance, and a tariff with the Commission, as required by Decision No. 31599 above referred to, yet it is equally evident that Delsas has not made sufficient showing to justify the issuance to him of

a "B" permit. He has no customers at this time, nor any prospect of obtaining customers under such a permit, and, so far as the evidence discloses, there is no demand for his services under such a permit.

F I N D I N G S

After careful consideration of the record, and the evidence submitted at the hearing, the Commission is of the opinion, and finds, that the application herein should be denied.

O R D E R

THE COMMISSION ORDERS:

That the application of Joe Delsas for a Class "B" private carrier permit be, and the same is hereby, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Watson
John R. Barry
Joseph W. Keeney
Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BEN MASON, MINTURN, COLORADO, FOR)
AUTHORITY TO EXTEND PRIVATE CARRIER) APPLICATION NO. 9746-Extension.
PERMIT NO. B-3714.)
-----)

February 1, 1949

Appearances: Ben Mason, Minturn,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein wishes to extend his authority under his Private Carrier Permit No. B-3714 to include certain transportation, as developed at the hearing hereinafter referred to, as follows:

Transportation of lumber, from Fleming's Sawmill and other sawmills within a radius of ten miles of Minturn, Colorado, to Rangely, Colorado; coal from the Mt. Streeter Coal Mine to Minturn, Colorado; grain and hay from points within a radius of twenty-five miles of Minturn, Colorado, over U. S. Highways 6 and 24, to the Colorado-Utah State Line; buck sheep owned by Perry Olson from a point or points within a radius of twenty-five miles of Minturn, Colorado, over U. S. Highways 6 and 24 to the Colorado-Utah State Line, and return over the same route; and hay from point to point within a radius of twenty-five miles of Minturn, Colorado.

The application was set for hearing, and heard, at the Court House in Glenwood Springs, Colorado, on January 25, 1949, at ten o'clock, A. M., and there taken under advisement.

Applicant testified that his equipment consisted of one 1946 Studebaker truck, capacity $1\frac{1}{2}$ to 2 tons, equipped with dump box and stock rack, same being subject to a mortgage of \$200.00, and also one 1942 Ford truck $1\frac{1}{2}$ -ton capacity, equipped with dump box and stock rack, and free of encumbrance. He estimated his net worth at \$3,000.00.

Applicant testified that the distance from the so-called Fleming Sawmill to Rangely, Colorado, is approximately 175 miles, and there are other sawmills in the vicinity of the Fleming Sawmill from which lumber can be obtained. All this lumber is being hauled for the Riech Lumber Company at Rangely, Colorado. The Mt. Streeter Coal Mine is located approximately 150 miles from Minturn, where applicant operates his own coal yard, and he will haul this coal for sale at said yard, only.

Perry Olson grazes his sheep in or near Watson, Utah, and has contracted with applicant to haul grain from the vicinity of Minturn, Colorado, to the sheep camps in Utah, and also to haul his bucks twice each year, about December 22 and February 22 of each year, from the Minturn vicinity to the sheep camps.

This Commission can grant authority only to the Colorado-Utah line, but the transportation of such grain and livestock from Minturn, Colorado to Utah points is not subject to the jurisdiction of the Interstate Commerce Commission, so no application to that Commission is required of the applicant. The other service requested of applicant is for the transportation of hay, from point to point within the radius of 25 miles of Minturn, Colorado, for the farmers within that area.

Under his Permit No. B-3714, applicant is presently authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest and sawmill products, from Fleming's Sawmill, located within a radius of twelve miles from Minturn, to Eagle, Rifle, and Glenwood Springs, Colorado, with no town to town service, which authority has been extended to include the transportation of ore between points within a 5-mile radius of Aspen, Colorado, and from said radius to the smelter in Leadville, Colorado; coal from Glenwood Springs, Colorado, to Gilman, Colorado; and forest and sawmill products from the ten-mile area surrounding Minturn, Colorado, to Glenwood Springs, Colorado.

FINDINGS

After careful consideration of the record, and the evidence submitted at the hearing, the Commission is of the opinion, and finds, that the instant application, as amended by the evidence, should be granted.

ORDER

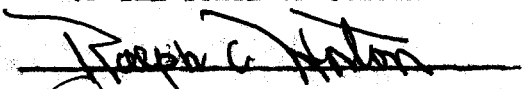
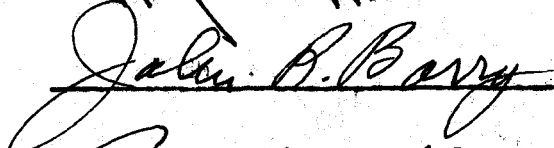
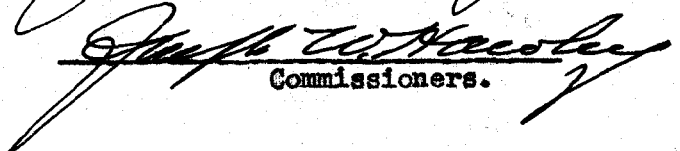
THE COMMISSION ORDERS:

That Ben Mason, of Minturn, Colorado, be, and he hereby is, authorized to extend his authority under Private Carrier Permit No. B-3714 to include the transportation of:

Lumber, from Fleming's Sawmill and other sawmills within a radius of ten miles of Minturn, Colorado, to Rangely, Colorado; coal from the Mt. Streeter Coal Mine to Minturn, Colorado; grain and hay from points within a radius of 25 miles of Minturn, Colorado, over U. S. Highways 6 and 24, to the Colorado-Utah State Line; buck sheep owned by Perry Olson from a point or points within a radius of 25 miles of Minturn, Colorado, over U. S. Highways 6 and 24 to the Colorado-Utah State Line, and return over the same route; and hay from point to point within a radius of 25 miles of Minturn, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1949.

ea

Original

(Decision No. 32086)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FRED W. REYNOLDS, KREMMLING, COLORADO,
FOR AUTHORITY TO TRANSFER PUC NO. 832
TO CLAYTON HILL, KREMMLING, COLORADO.

APPLICATION NO. 9727
TRANSFER

IN THE MATTER OF THE APPLICATION OF
FRED W. REYNOLDS, DOING BUSINESS AS
"GRAND COUNTY TRANSPORTATION,"
KREMMLING, COLORADO, FOR AUTHORITY
TO TRANSFER PERMIT NO. A-35 TO
CLAYTON HILL, KREMMLING, COLORADO.

APPLICATION NO. 9736-PP
TRANSFER

February 3, 1949

Appearances: J. Fred Schneider, Esq., Denver,
Colorado, for applicant transferor;
John W. Shireman, Esq., Denver,
Colorado, for applicant transferee;
A. J. Fregeau, Denver, Colorado, for
Weicker Transfer & Storage Company;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Harold Torgan, Esq., Denver, Colorado,
for R. M. Crane and Walter Heider;
M. S. Ginsberg, Esq., Denver, Colorado,
and
E. Robert Baker, Denver, Colorado,
for Western Spring Service;
Ira Canatsey, Denver, Colorado, pro se;
William W. Wood, Jr., Granby, Colorado,
for Texaco Service;
A. L. Hyman, Denver, Colorado, for
Commercial Tire Service;
A. Geysler, Denver, Colorado, for
Gillette Tire Service.

S T A T E M E N T

By the Commission:

The above matters were consolidated for hearing.

Fred W. Reynolds, doing business as "Grand County Transportation Company," is the owner of PUC No. 832, which (Decision No. 7164) authorizes the following:

Transportation of freight on schedule between Denver and Kremmling and intermediate points between West Portal and Kremmling, and a call and demand general transfer, moving, and cartage service from point to point in Grand County and to and from Grand County and outside points, and livestock between Grand County and Denver, for Grand County customers, all freight to originate in or destined to Grand County.

By Decision No. 13796, PUC No. 832 was extended to include the transportation of:

Livestock in less than carload lots when competing with scheduled carriers between points in Grand County and points in the State of Colorado.

Transferor Reynolds is also the owner of Permit No. A-35, which authorizes transportation of:

Freight between Denver, Colorado, and Granby, Colorado, and the intermediate points of West Portal, Tabernash, Fraser, Lawson, and Empire; freight from Granby to Parshall for J. B. Mitchell, only, without the right to add to the number of his customers in Parshall.

Said transferor now seeks authority to transfer said operating rights under PUC No. 832 and Private Carrier Permit No. A-35, to Clayton Hill, Kremmling, Colorado.

The above matters were heard in Denver, Colorado, January 14, 1949, said hearing being continued to take further evidence, on January 28, 1949, and on the latter date was taken under advisement.

At the hearing, it developed that the consideration for transfer of PUC No. 832 and Permit No. A-35, together with certain equipment and other property, is the sum of Twenty-six Thousand Dollars (\$26,000.00), \$5,000.00 of which was paid in cash, and the balance payable as follows: \$15,000.00 on authorization of the Commission to transfer the certificate and permit; \$6,000.00 one year after date, secured by mortgage on Denver real property.

The evidence disclosed that the Grand County Transportation Company is indebted to certain persons, firms, and agencies by reason of their operations under PUC No. 832 and Private Carrier Permit No. A-35,

which claims are set out in Exhibit F.

In order to facilitate the settlement and payment of the above claims, the following stipulation, being Exhibit F, was entered into by and between the transferor and transferee:

"STIPULATION AND AGREEMENT

"WHEREAS, on November 1, 1948, by written agreement which was introduced in evidence at a hearing before the Public Utilities Commission of Colorado held January 14, 1949, Fred W. Reynolds (hereinafter called Reynolds) agreed, among other things, to sell and deliver to Clayton Hill (hereinafter called Hill) three (3) tractors and four (4) trailers, and cause to be transferred to Hill Common Carrier Certificate No. 832 and Private Carrier Permit No. A-35 issued by The Public Utilities Commission of Colorado, and all rights thereunder; and Hill agreed, among other things, to pay \$15,000.00 on the purchase price when said equipment, certificate, and permit are transferred; and

"WHEREAS, the parties, on December 2, 1948, made application to the Public Utilities Commission of Colorado for the transfer of said certificate and said permit, and hearing thereon was held January 14, 1949 and continued to January 28, 1949; and

"WHEREAS, Reynolds is indebted to certain persons, firms and agencies by reason of business transacted under said certificate and permit, and claims have been asserted against him by other firms, corporations and agencies, and said claims are in dispute; and

"WHEREAS, Hill has delivered to John W. Shireman, whose address is 432 Equitable Building, Denver, Colorado, the sum of Fifteen Thousand Dollars (\$15,000.00) for the purpose of making the payment required by the agreement first hereinabove mentioned and on his part to be paid; and

"WHEREAS, the parties desire to arrange for the payment of the indebtedness owing by Reynolds and for the settlement of the claims which have been asserted against him and which are in dispute; it is

"STIPULATED AND AGREED AS FOLLOWS:

"1. If the Public Utilities Commission of Colorado authorizes and orders a transfer of the above mentioned Certificate No. 832 and Permit No. A-35 to Hill upon his furnishing certificates of insurance and otherwise complying with the rules and regulations of the Commission, then John W. Shireman is authorized to pay forthwith to the persons, firms, and agencies next hereinbelow listed the amounts set opposite their respective names, and to file with the Public Utilities Commission proof of such payment in form satisfactory to said Commission:

"Woods Texaco	\$ 257.88
B. F. Goodrich Co.	279.81 plus \$35.98
Bearings Service and Supply Co.	36.15
Commercial Service & Supply Co.	235.13
Empire Plumbing and Heating Co.	71.93
GMC Truck and Coach Co.	9.20
Dean Gillispie & Co.	372.61
Metalcraft Metal and Welding Co.	12.36
Art Melanti (or Gorsuch & Kirgis)	
Attorneys	407.58
Magneto Specialty Co.	172.75
Super Recap Tire Co.	201.19
Western Spring Service	148.52
Colorado Motor Carriers	241.81
Ira Canatsey	1,230.53
Collector of Internal Revenue, Denver	2,584.90
Victor C. Huffaker	1,311.91
Thomas F. Daly Agency Co.	41.76
Hawkeye Casualty Co. (or Stanley W. Prinsner, Attorney)	181.64
	<u>\$ 7,797.66 plus \$35.98</u>

"2. Further, said John W. Shireman shall retain in his possession the sums set opposite the names of those persons, firms, and agencies next hereinbelow listed for the purpose of guaranteeing settlement of claims which have been asserted against Reynolds and are by him disputed. Upon settlement of each respective claim Shireman shall promptly pay the amount agreed upon by Reynolds and each respective claimant (not exceeding the amount hereinbelow specified) to the claimant, or to Reynolds, or to both, in accordance with the settlement reached. If any claimant shall commence suit against Reynolds, Shireman may deposit in court the amount retained by him in respect to such claim and upon making such deposit shall have no further responsibility in connection therewith. Shireman may pay to Reynolds any balance remaining in his hands at the end of 30 days from the date hereof, and by making such payment shall be and is hereby released from all liability with respect to money so paid. The said disputed claims are as follows:

"Gillette Sales and Service Company	\$ 371.20
Scientific Supply Co.	25.50
Argo Electric Co.	161.20
Crane and Heider	630.00
Collector of Internal Revenue, Denver	108.96
Duffy Moving and Storage Co.	4.64
Montgomery Ward & Co.	10.18
Luby Chevrolet Co.	16.42
Motoroyal Oil Co.	6.60
Katz Distributing Co.	32.70
Modern Garage	47.70
Saony-Vacuum Co.	4.64
Illinois-California Express Co.	35.43
The Hurley Co.	20.49
Gambles, The Ranchers' Department Store	71.24
Farmers Lumber and Supply Co.	495.00
The Grauman Co.	127.50
A. H. McCall	106.47
Riss & Co.	44.64 - plus 13¢
United States Transfer & Storage Co.	8.55
Ringsby Truck Lines	103.97
Glenn H. Oaks, Receiver	3,600.00
	<u>6,033.03 - plus 13¢</u>

"3. Reynolds represents that the accounts and claims set forth in paragraphs 1 and 2 are all of the unpaid accounts and asserted claims against him which exist by reason of business transacted by him under the above mentioned certificate and permit.

"4. This stipulation shall be filed with Public Utilities Commission, and both parties request the Commission's approval of same. If the same be not approved, or if application for transfer of said certificate and permit be denied, this stipulation shall be void and the parties released therefrom.

"Dated at Denver, Colorado, this 28th day of January, 1949.

"APPROVED:

J. Fred Schneider
Attorney for Fred W. Reynolds

John W. Shireman
Attorney for Clayton Hill

FRED W. REYNOLDS
Fred W. Reynolds

CLAYTON HILL
Clayton Hill

The record further discloses that transferee has net worth of approximately \$200,000.00, and is financially able to conduct the above operations, and that he has had some experience in motor transportation service.

F I N D I N G S

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that transferee is fit, willing, and able to carry on the operations under the certificate and permit sought to be transferred, and in the opinion of the Commission will conform to its rules and regulations; that the stipulation as to the manner of payment of the outstanding indebtedness appears to be fair, just, and in the public interest; that transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Fred W. Reynolds, Kremmling, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 832 and Private Carrier Permit No. A-35 to Clayton Hill, of Kremmling, Colorado, upon receipt of sworn statement of transferee's

attorney that the terms provided in the stipulation marked "Exhibit F", and heretofore set forth, have been complied with.

That the tariff of rates, rules, and regulations of transferor under Certificate of Public Convenience and Necessity No. 832 shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

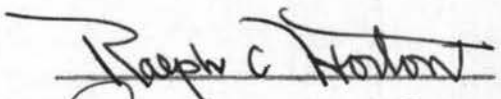
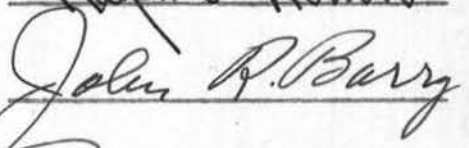

That the right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate, and the payment by him, or by transferee, of all unpaid ton-mile tax.

That the right of transferee of Private Carrier Permit No. A-35 to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

That this order be made a part of the certificate and permit authorized to be transferred, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 3d day of February, 1949.




Commissioners

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
FRED W. SCHULTZ, DOING BUSINESS AS
"DENVER-PUEBLO TRUCK LINE," 2590
WALNUT STREET, DENVER, COLORADO, FOR
APPROVAL OF LEASE OF PERMIT A-607
AND AUTHORITY TO TRANSFER SAID PER-
MIT TO EDWIN W. GRUNDMANN AND HENRY
ORENDER, DOING BUSINESS AS "DENVER-
PUEBLO TRUCK LINE," 2590 WALNUT
STREET, DENVER, COLORADO.

APPLICATION NO. 9151-PP
(Lease and Transfer)

February 3, 1949

Appearances: Byron G. Rogers, Esq., Denver,
Colorado, for Transferee;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Transferor;
T. A. White, Esq., Denver, Colo-
rado, for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado, for
Weicker Transfer and Storage Company;
Ralph Loeb, Esq., for Aetna Loan Co.;
Businessmen's Collection Bureau and
Creditor's Collection Bureau on
accounts of Farmers Lumber & Supply
Company, Frank Pryor Furniture Co.,
and Adams Motor Company;
Stanley Blunt, 816 Water St., Canon
City, Colorado, for Southwestern
Transportation Company;
Ira L. Quiat, Esq., Denver, Colorado,
for Motor Truck Service;
C. E. Wright, 2155 Lawrence St., Denver,
Colorado, for General Auto and Truck.

STATEMENT

By the Commission:

The instant application was filed April 5, 1948, on behalf of
Fred W. Schultz, doing business as "Denver-Pueblo Truck Line," 2590 Walnut
Street, Denver, Colorado, for authority to lease Permit No. A-607 to Edwin W.
Grundmann, Henry Orender, and Ralph Ingram.

The matter was set for hearing April 12, 1948, and heard at
the Commission's Hearing Room, 330 State Office Building, Denver, Colorado,
whereupon it was taken under advisement.

No order has ever issued from this Commission because at the conclusion of the hearing the parties herein were not in agreement as to how they wished to consummate this contract.

Under date of January 7, 1949, this Commission received a communication from Byron G. Rogers, Esq., attorney for transferee requesting that this matter be dismissed, and setting out the reason therefor that the contract between the transferor and transferee has never been consummated.

FINDINGS

THE COMMISSION FINDS:

That this matter should be dismissed.

ORDER

THE COMMISSION ORDERS:

That the above-entitled matter should be, and hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH P. McINTYRE, 312 ALAMOSA)
AVENUE, ALAMOSA, COLORADO, FOR AU-)
THORITY TO TRANSFER PERMIT NO. A-3812)
TO RALPH P. McINTYRE AND CLETUS T.)
ROGERS, CO-PARTNERS, DOING BUSINESS)
AS "McINTYRE AND ROGERS," P. O. BOX)
244, ALAMOSA, COLORADO.)

APPLICATION NO. 9789-PP
TRANSFER

February 3, 1949

S T A T E M E N T

By the Commission:

By Decision No. 29986, of date February 21, 1948, Ralph P. McIntyre, Alamosa, Colorado, was granted a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of:

Milk and cream from farms within a 25-mile radius of Alamosa, to creameries at Alamosa and Sanford, Colorado, with return haul of empty cans,

said operating rights being designated "Permit No. A-3812."

By the instant application, said permit-holder seeks authority to transfer Permit No. A-3812 to Ralph P. McIntyre and Cletus T. Rogers, co-partners, doing business as "McIntyre and Rogers," Alamosa, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferees, pecuniarily and otherwise, are able and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would

desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Ralph P. McIntyre, Alamosa, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-3812 -- being the operating rights granted by Decision No. 29986 -- to Ralph P. McIntyre and Cletus T. Rogers, co-partners, doing business as "McIntyre and Rogers," Alamosa, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him, or by transferees, of all unpaid ton-mile tax.

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

That this order be made a part of the permit authorized to be transferred and become effective as of the day and date hereof.

DATED at Denver, Colorado,
this 3d day of February, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph T. McCreary
Commissioners

original

(Decision No. 32089)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE DENVER TRAMWAY CORPORATION,
TRAMWAY BUILDING, DENVER, COLORADO,
FOR AUTHORITY TO ABANDON THE MOTOR
BUS LINES FOR THE TRANSPORTATION OF
PASSENGERS BETWEEN DENVER, COLORADO,
AND THE ROCKY MOUNTAIN ARSENAL,
ADAMS COUNTY, COLORADO.

APPLICATION NO. 9729

February 3, 1949

Appearances: Donald B. Robertson, Esq., Denver,
Colorado, and
James B. Young, Esq., Denver,
Colorado, for Denver Tramway
Corporation;
Frank P. Lynch, Jr., Esq., Denver,
Colorado, for Mountain States
Bean Company;
Byron White, Esq., Denver, Colo-
rado, for Julius Hyman & Company;
R. G. Scott, Denver, Colorado, for
Rocky Mountain Arsenal.

S T A T E M E N T

By the Commission:

On December 10, 1948, The Denver Tramway Corporation filed its application for authority to abandon its motor bus line for the transportation of passengers between Denver, Colorado, and the Rocky Mountain Arsenal, Adams County, Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, Tuesday, January 11, 1949, where said matter was taken under advisement.

At the hearing, the evidence disclosed that applicant, in November, 1942, made application to this Commission for a certificate of public convenience and necessity to furnish transportation service from Denver to said Rocky Mountain Arsenal and return, and was granted same on December 16, 1942, by Decision No. 20207.

Applicant is now asking for authority to abandon the above operation, alleging that the revenue received from this bus line at no time since its inception has been sufficient to pay the cost of its operation.

Applicant's Exhibit No. 1 discloses the following:

"ROCKY MT. ARSENAL - STATEMENT BY MONTH

Effective Nov. 30, 1942 - through Oct. 31, 1945.

	<u>Passengers</u>	<u>Revenue</u>	<u>Miles</u>	<u>Hours</u>
Year of 1942:				
Month of November	234	\$ 17.18	144	7.6
December	6,722	451.70	2558	154.0
Total Year of 1942	6,956	468.88	2702	161.6
Year of 1943:				
Month of January	10,157	690.35	3568	215.4
February	9,221	602.74	3546	199.8
March	9,838	653.28	4061	227.1
April	7,661	516.48	3600	224.0
May	6,058	398.08	3060	198.7
June	4,626	294.21	2642	184.0
July	3,902	254.54	2523	174.6
August	3,554	221.05	2353	164.1
September	4,274	288.82	1700	130.7
October	4,003	265.66	1683	114.4
November	6,327	435.01	3289	195.0
December	8,981	643.82	5500	290.3
Total for 1943	78,602	5,264.04	37525	2,318.1
Year of 1944:				
Month of January	8,282	591.31	5157	289.0
February	8,223	564.32	5187	281.2
March	9,769	685.99	5603	309.8
April	7,696	531.55	5278	289.7
May	7121	470.53	4890	277.9
June	9,134	619.10	5279	295.7
July	12,466	912.37	4535	299.0
August	14,202	1,079.87	4513	314.8
September	10,972	801.96	4479	310.9
October	9,240	653.86	3970	309.0
November	8,577	582.84	3743	293.5
December	9,235	637.71	3525	279.1
Total for 1944	114,917	8,131.41	56,159	3,549.6
Year of 1945:				
Month of January	12,598	895.12	4464	331.4
February	11,525	817.81	4141	301.3
March	19,517	1,359.31	5062	385.7
April	26,195	1,977.22	6103	498.6
May	30,600	2,076.76	7485	627.8
June	34,075	2,295.59	7375	622.6
July	38,992	2,654.64	9333	731.2
August	30,183	1,990.78	9063	676.6
September	11,475	750.71	5044	349.9
October	10,471	718.36	4467	323.6
November	9,473	663.41	4266	308.0
December	10,058	672.79	4124	301.2
Total for 1945	245,162	16,872.50	70927	5457.9

	Passengers	Revenue	Miles	Hours
Year of 1946:				
Month of January	8,647	548.83	3281	252.2
February	6,615	415.67	2496	207.5
March	7,623	466.20	2857	234.8
April	7,196	422.06	2781	229.1
May	7,151	422.83	3012	238.8
June	8,043	484.91	3007	231.3
July	7,621	464.37	2816	225.5
August	7,032	431.03	2842	229.6
September	6,666	396.38	2709	219.1
October	7,155	420.74	2788	227.6
November	6,981	423.62	2463	207.1
December	7,897	433.17	3423	276.8
Total for 1946	88,627	5,329.81	34,475	2779.4

Year of 1947:				
Month of January	8,839	470.55	3,488	284.8
February	10,536	634.97	3,707	293.9
March	12,958	782.84	4,602	361.6
April	11,595	680.88	4,506	340.5
May	9,478	533.85	3,568	282.9
June	7,478	486.58	3,236	263.6
July	6,403	394.71	3,305	268.5
August	5,189	345.95	3,285	268.6
September	5,520	337.31	3,148	256.3
October	6,576	417.86	2,945	247.9
November	6,662	439.79	3,066	254.2
December	8,539	534.36	3,349	279.7
Total for 1947	99,773	6,059.65	42,205	3,402.5

Year of 1948:				
Month of January	10,595	675.57	3,487	291.7
February	10,285	624.64	3,410	274.2
March	8,042	464.88	3,267	267.7
April	6,399	360.74	3,244	215.4
May	6,069	304.50	3,299	191.8
June	5,679	313.29	3,323	189.9
July	4,692	278.60	3,260	194.5
August	5,770	324.40	3,030	197.7
September	5,101	321.76	2,464	188.2
October	4,984	321.37	2,709	196.9
November	3,990	222.34	2,629	184.8
Actual December	3,538	206.73	2,662	190.1
Total for 1948	75,144	4,418.82	36,784	2,582.9

OPERATING EXPENSES PER BUS MILE

	\$ per mile
1948 to 11/30/48	32.88
1947	31.07
1946	27.34
1945	24.53
1944	22.01
1943	18.87
1942	17.83

Applicant company contends that it sustained losses in the operation of the Rocky Mountain Arsenal Bus in the following amounts for the years it has been operated:

1942	\$ 12.89
1943	1,816.93
1944	4,229.19
1945	525.89
1946	4,095.65
1947	7,053.44
1948	7,675.76

Protests were filed on behalf of the Department of the Army, by C. B. Mickelwait, Colonel, JAGD, Assistant Judge Advocate General, Julius Hyman & Company, Mountain States Bean Company, and others.

The evidence further discloses that some 1,040 persons were located or employed at the Rocky Mountain Arsenal, either as military personnel or as civilian employees, as of the date of the hearing, and that a portion of that number used public transportation to and from the Arsenal.

In considering the instant application, the test or question that confronts the Commission is whether the operation is losing money, and, if so, is it a burden upon the other users of the overall service offered by applicant company. The Commission is reluctant to discontinue a service until the company has exhausted all reasonable and practical means to meet its operating requirements. The Commission is not clear, nor can we find from the record and the evidence submitted, what has been the experience of applicant company concerning practices of economy or possible curtailment of service, or has the company explored the possibility of increased rates -- especially as it applies to commutation ticket now used.

In Applicant's Exhibit No. 1, for the month of December, 1948, it appears that company credits only .058¢ to this operation for each passenger hauled. It is the opinion of the Commission that the record does not adequately disclose the over-all financial condition of The Denver Tramway Corporation sufficient for us to intelligently pass upon the merits of the instant application.

Pond, on Public Utilities, in Volume 3, Page 1832, in discussing abandonment of public utilities' service, states:

"Where the public interest would be seriously affected by the abandonment of public utility service, the policy is not to permit this to be done, so long as the public utility is operating its system as a whole at a profit * * *. Since a public utility's service is considered as a system, unprofitable portions of the service should not be abandoned where a substantial section of the territory served would be left without service, and the cost of continuing to give it would not be an unreasonable requirement of all service on the system as a whole."

Also, the Court said, in Colorado v. U. S., 271 U. S. 153:

"In some cases, although the volume of the whole traffic is small, the question is whether abandonment may justly be permitted, in view of the fact that it would subject the communities directly affected to serious injury, while continued operations would impose a relatively light burden upon a prosperous carrier."

In Stuhmer v. Central Illinois Public Service Company, PUC

1921-B, 545, the Illinois Commission said:

"In the conduct of its business a public utility is very likely to have some unprofitable customers, but in enjoying a monopoly and the privilege of protection from competition it can reasonably be expected to accept the undesirable business, although there is a probability that the immediate return from such business will not of itself provide a fair return on the investment."

The above cases have been discussed for the purpose of showing that the Commission cannot rely entirely upon the fact that the operation is not self-sustaining, and is operated at a loss. It appears to us that the Commission is entitled to more factual information, a clear statement as to the division of revenue for the portion of its system it seeks to abandon, and perchance the service might be saved to the public by increased rates from the Denver city limits to the Arsenal, if a survey is made. In other words, the Commission cannot see that applicant's showing, upon the record as made, is sufficient to justify abandonment.

FINDINGS

THE COMMISSION FINDS:

That applicant's proof is insufficient to justify the abandonment of the bus service between Denver, Colorado, and the Rocky Mountain

Arsenal, for the reasons set forth in our Statement, which by reference is made a part of these Findings.

ORDER

THE COMMISSION ORDERS:

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hinton
John R. Barry
Joseph W. Hawley
Commissioners

DATED at Denver, Colorado,
this 3d day of February, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CLEO L. STARKS AND MYRTLE B. STARKS,)	
CO-PARTNERS, DOING BUSINESS AS)	
"STARKS MOTOR TOURS," COLORADO)	
SPRINGS, COLORADO, FOR AUTHORITY TO)	<u>APPLICATION NO. 9643-Transfer.</u>
TRANSFER A PORTION OF PUC NO. 101)	
TO EVERETT ROWLETT AND KENNETH)	
PEBBLES, DOING BUSINESS AS " R & P)	
CIRCLE TOURS," COLORADO SPRINGS,)	
COLORADO.)	
-----I	

February 3, 1949

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, for
applicants;
C. B. Horn, Esq., Colorado
Springs, Colorado, for Colo-
rado Springs Transit Company.

S T A T E M E N T

By the Commission:

It appears that Cleo L. Starks and Myrtle B. Starks, co-partners, doing business as "Starks Motor Tours," Colorado Springs, Colorado, are the owners of PUC No. 101, which they acquired pursuant to authority contained in Decision No. 28048, which authorizes, generally, the use of eight cars in sightseeing and auto livery service in Colorado Springs and Manitou and the Pikes Peak scenic area, and also authorizes taxicab service between Colorado Springs and Camp Carson and Peterson Field.

By this application, transferor Starks Motor Tours seeks authority to transfer that portion of said authority authorizing taxicab service between Colorado Springs and Camp Carson and Peterson Field, to Everett Rowlett and Kenneth Pebbles, co-partners, doing business as "R & P Circle Tours," Colorado Springs, Colorado.

On December 16, 1948, Colorado Springs Transit Company filed ~~protest~~ to the instant application, in which they allege:

"1. That this protestant operates a regularly scheduled service between the City of Colorado Springs and Camp Carson and the City of Colorado Springs and Peterson Field, under Certificate of Convenience and Necessity No. 631 issued by this Commission.

"2. That the certificate of convenience and necessity attempted to be transferred under this application was issued by this Honorable Commission under Decision No. 20217 entered December 23, 1942, upon Application No. 6229, granting such certificates to the applicants known as the Victory Cab Service and other similarly situated, and that said certificates provided among other things that the operations authorized under said certificates were to be 'only for the duration of the war, and three months thereafter, unless, upon proper showing prior to the expiration of such period we find public convenience and necessity require further service.' That hostilities ceased on or about August 15, 1945, and no proper showing has been made that the public convenience and necessity still require such service.

"3. That Peterson Field has long since been abandoned as an airbase of the United States Government, and said Field is now only occupied by a few residents and a few manufacturing concerns and is operated as a municipal airport by the City of Colorado Springs, and that the operation conducted by this protestant to Peterson Field is now and for some time last past has been operating at a loss.

"That while Camp Carson is still being operated as an army base, there are very few troops located there and very few civilian employees, and that the service now rendered by this protestant is adequate to perform all of the service necessary for the public convenience and necessity between the City of Colorado Springs and said Camp Carson and between the City of Colorado Springs and Peterson Field at the present time and for any foreseeable future time, and that instead of permitting the transfer of the certificate held by the applicant, it, together with all other similar certificates to operate a taxi service between the City of Colorado Springs and Camp Carson and the City of Colorado Springs and Peterson Field, should be cancelled."

At the hearing, held December 21, 1948, in Denver, Colorado, it appeared that the consideration for transfer of that portion of PUC No. 101 is the sum of Eight Hundred Twenty-Five Dollars (\$825.00), payable in cash upon authority issued by this Commission to consummate transfer.

It was further disclosed that pending transfer of the authority, vendees may lease the same for a consideration of Twenty-Five Dollars (\$25.00) per month. It also appeared that there are no outstanding unpaid

operating obligations against said operation, and the operating experience and pecuniary responsibility of transferees were established to the satisfaction of the Commission.

It also appears that by Decision No. 22480, dated July 19, 1944, the above authority was limited to allow the operation of one automobile for the transportation of passengers between Colorado Springs and Camp Carson and between Colorado Springs and Peterson Field, and this limitation appears to be satisfactory to transferees.

It also appears to be clearly understood that the above authority as limited, extends only for the duration of the war and three months. The Commission has not formally, as yet, declared the war officially terminated, but when we do so, this certificate will terminate three months after the date of such order.

At the hearing, Protestant Colorado Springs Transit Company failed to appear to further prosecute its protest, and the Commission cannot say, from the record before us in the instant application, that the emergency that occasioned granting of the above taxicab authority has ended.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that said authority to transfer sought in the instant application is in the public interest, and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Cleo L. Starks and Myrtle B. Starks, co-partners, doing business as "Starks Motor Tours," Colorado Springs, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to that portion of PUC No. 101 which authorizes taxicab service between Colorado Springs and Camp Carson and between Colorado Springs and Peterson Field, to Everett Rowlett and Kenneth Pebbles, co-partners, doing business as "R & P Circle Tours," Colorado Springs,

Colorado, it being definitely understood that said authority is confined to one car, and that the life of said authority is limited "only for the duration of the war and three months thereafter, " as provided in our Decision No. 20217.

That a new certificate number be assigned to transferees covering the above authority.

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

The right of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate up to the time of the transfer of said certificate, and the payment by them or transferees of all unpaid passenger-mile tax.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hartman
John R. Barry
Joseph W. Kealey
Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REINHOLD EHRLICH AND CHARLES A.)
FLINN, CO-PARTNERS, BOX 653, WINDSOR,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 9807-PP-Transfer.
PERMIT NO. A-600 TO REINHOLD EHRLICH)
AND HAROLD WEINMEISTER, CO-PARTNERS,)
BOX 554, WINDSOR, COLORADO.)
-----)

February 3, 1949

S T A T E M E N T

By the Commission:

On January 19, 1934, John Brinkman, Windsor, Colorado, was granted a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of:

freight -- Windsor north and east to Johnstown,
eighteen miles,

said operating rights being designated "Permit No. A-600."

By Decision No. 12004, of date June 11, 1938, said permit-holder was authorized to extend operations under Permit No. A-600 to include the right to transport:

milk and cream from the area described as follows: bounded on the east by U. S. Highway No. 85, on the south by State Highway No. 16, on the west by a line running north and south one and one-half miles west of Timmath, and on the north by the Colorado-Wyoming State Line, to the Condensery at Johnstown, with a return of empty cans.

Pursuant to authority contained in Decision No. 21738, of date December 28, 1943, John Brinkman transferred Permit No. A-600 to J. P. Haller, who (Decision No. 24150) subsequently transferred said permit to Albert Ehrlich.

By Decision No. 26119, of date June 14, 1946, Albert Ehrlich was authorized to extend operations under Permit No. A-600 to include the right to transport:

milk and cream from the area described in Decision No. 12004, to Windsor, Colorado, with back-haul of empty cans.

Pursuant to authority contained in Decision No. 27243, of date December 6, 1946, Albert Ehrlich transferred said operating rights to Albert Ehrlich and Bob Ehrlich, co-partners, Windsor, Colorado, who, pursuant to authority contained in Decision No. 28885, of date August 23, 1947, transferred said Permit No. A-600 to Albert Ehrlich and Charles A. Flinn, co-partners, Windsor, Colorado.

Pursuant to authority contained in Decision No. 31726, of date December 22, 1948, Albert Ehrlich and Charles A. Flinn transferred Permit No. A-600 to Reinhold Ehrlich and Charles A. Flinn, co-partners, Windsor, Colorado, who, by the instant application, seek authority to transfer said operating rights to Reinhold Ehrlich and Harold Weinmeister, co-partners, Windsor, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said permit; that transferees, pecuniarily and otherwise, are qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Reinhold Ehrlich and Charles A. Flinn, co-partners, Windsor, Colorado, be, and they hereby are, authorized to transfer all

their right, title, and interest in and to Permit No. A-600 — being the operating rights granted to John Brinkman on January 19, 1934, as extended by Decisions Nos. 12004 and 26119 — to Reinhold Ehrlich and Harold Weinmeister, co-partners, Windsor, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured to unsecured.

The right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering their operations under said permit up to the time of transfer of said permit, and the payment by them or transferees of all unpaid ton-mile tax.

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

That this order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hordont
John B. Barry
Joseph C. Hordont
Commissioners

Dated at Denver, Colorado,
this 3rd day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY RUSSELL, 2514 FRONT VIEW)
CRESCENT DRIVE, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.) APPLICATION NO. 9808-Transfer.
1811 TO PAUL J. COLLIER, 3730 SOUTH)
DELAWARE STREET, ENGLEWOOD, COLORADO.)
-----)

February 3, 1949

Appearances: E. B. Evans, Esq., Denver,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 28911, of date August 28, 1947, Harry Russell, Denver, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of:

milk from farms within the area described as:
beginning at the northwest corner of Section
36, Township 4-South, Range 68-West; thence
east three miles; thence south one mile; thence
east one mile; thence south two miles; thence east
one mile; thence south one mile; thence east one
mile; thence south five miles to the southeast
corner of Section 13, Township 6-South, Range 67-
West; thence west five miles; thence north six
miles; thence west two miles; thence north four
miles to a point of beginning; to Denver and
points within a radius of two miles thereof,
with back-haul of empty cans,

said operating rights being designated "PUC No. 1811."

By the instant application, said certificate-holder seeks authority to transfer PUC No. 1811 to Paul J. Collier, Englewood, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise,

is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

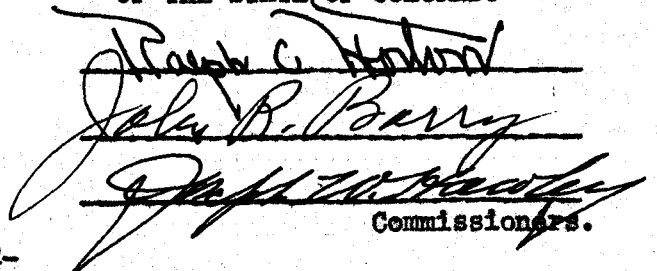
That Harry Russell, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1811 -- being the operating rights granted by Decision No. 28911 -- to Paul J. Collier, Englewood, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

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

This order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1949. -2-

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. T. HARDY, BOX 806, BURLING-)
TON, COLORADO.)
)
)
)
-----)

PERMIT NO. C-1140.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----

W. T. Hardy,-----

requesting that Permit No. C-1140-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-1140-----, heretofore issued to-----

W. T. Hardy,-----be,

and the same is hereby, declared cancelled effective January 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM BRADDY, 813 LEE BOULEVARD,)
LAWTON, OKLAHOMA.)
)
)
)
)
-----)

PERMIT NO. C-4509.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----

Sam Braddy,

requesting that Permit No. C-4509 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-4509, heretofore issued to-----

Sam Braddy,-----be,

and the same is hereby, declared cancelled effective December 23, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. S. ACKER, 310 MT. VIEW)
PLACE, ARVADA, COLORADO.)
)
)
)

PERMIT NO. C-8814.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
R. S. Acker,-----
requesting that Permit No. C-8814-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-8814-----, heretofore issued to-----
R. S. Acker,-----be,
and the same is hereby, declared cancelled effective January 14, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. O. MAXSON, 3201 ELIZABETH)
STREET, PUEBLO, COLORADO.) PERMIT NO. C-14653.
)
)
)
-----)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
W. O. Maxson,

requesting that Permit No. C-14653.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-14653....., heretofore issued to.....
W. O. Maxson,
-----be,
and the same is hereby, declared cancelled effective December 28, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Baring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this.....8th.....day of.....February,., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHAS. T. WORTHINGTON, PO BOX 584,
IDAHO SPRINGS, COLORADO.)

PERMIT NO. C-15052.
)
)
)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----

Chas. T. Worthington,

requesting that Permit No. C-15052 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-15052, heretofore issued to-----

Chas. T. Worthington,
----- be,

and the same is hereby, declared cancelled effective January 14, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Bar

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MERLE FISK AND CALVIN SOUTHER-)
LAND, PAONIA, COLORADO.)
)
)
)
-----)

PERMIT NO. C-15154.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Merle Fisk and Calvin Southerland,
requesting that Permit No. C-15154 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-15154, heretofore issued to.....
Merle Fisk and Calvin Southerland, be,
and the same is hereby, declared cancelled effective January 18, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE CRIST, POND CREEK,)
OKLAHOMA.) PERMIT NO. C-16160
)
)
)
)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
George Crist,
requesting that Permit No. C-16160 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-16160, heretofore issued to.....
George Crist, be,
and the same is hereby, declared cancelled effective January 14, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Bar

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE D. LOSH, 5177 RALEIGHT)
STREET, DENVER 12, COLORADO)

PERMIT NO. C-16776.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Clarence D. Losh,
requesting that Permit No. C-16776 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-16776, heretofore issued to
Clarence D. Losh,
and the same is hereby, declared cancelled effective January 10, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLAUDE ROBINSON, SILVERTON,)
COLORADO.)

PERMIT NO. C-16957.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Claude Robinson,
requesting that Permit No. C-16957 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-16957, heretofore issued to.....
Claude Robinson, be,
and the same is hereby, declared cancelled effective December 27, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 8th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FORREST D. OLINE AND CHAS. A.)
STROUP, DOING BUSINESS AS "DAD'S)
ROOT BEER DISTRIBUTING COMPANY,") PERMIT NO. C-17119.
244 WASHINGTON AVENUE, LONGMONT,)
COLORADO.)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Forrest D. Oline & Chas. A. Stroup, d/b/a Dad's Root Beer Distributing Co.,
requesting that Permit No. C-17119 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17119, heretofore issued to-----
Forrest D. Oline & Chas. A. Stroup, d/b/a Dad's Root Beer Distributing Company,
and the same is hereby, declared cancelled effective December 24, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 194 9

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. A. BAUMGARTNER, RT 1, BOX)
397, BOULDER, COLORADO.)

PERMIT NO. C-17819.

February 8, 1949

S T A T E M E N T

By the Commission:

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

E. A. Baumgartner,

requesting that Permit No. C-17819 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17819, heretofore issued to.....

E. A. Baumgartner,.....be,

and the same is hereby, declared cancelled effective January 20, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hontela
John R. Berg
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
UTE MOUNTAIN CREAMERY, INC.,)
104 N. CHESTNUT ST., CORTEZ,)
COLORADO.) PERMIT NO. C-19128.
)
)
)
-----)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Ute Mountain Creamery, Inc.,.....
requesting that Permit No. C-19128 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19128, heretofore issued to.....
Ute Mountain Creamery, Inc.,..... be,
and the same is hereby, declared cancelled effective October 26, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN H. SCHROEDER, LEWELLEN,)
NEBRASKA.)
)
)
)
-----)

PERMIT NO. C-19820.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
John H. Schroeder,.....
requesting that Permit No. C-19820.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19820....., heretofore issued to.....
John H. Schroeder,.....be,
and the same is hereby, declared cancelled effective January 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DALE M. CRAIN AND TED WORTH,)
DOING BUSINESS AS "CRAIN & WORTH") PERMIT NO. C-19914.
7100 W. 4th AVENUE, DENVER 15,)
COLORADO.)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Dale M. Crain and Ted Worth, d/b/a Crain & Worth,
requesting that Permit No. C-19914 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19914, heretofore issued to.....
Dale M. Crain and Ted Worth, d/b/a Crain & Worth, be,
and the same is hereby, declared cancelled effective **January 18, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
QUIDO MORLETTI, 1146 - 11th ST.)
DENVER 4, COLORADO.)
)
)
)

PERMIT NO. C-19990.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Guido Morletti,.....
requesting that Permit No. C-19990 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19990, heretofore issued to.....
Guido Morletti,.....be,
and the same is hereby, declared cancelled effective December 24, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALFRED JAMES FREE, RT 1 BOX 168)
MONTROSE, COLORADO.)

PERMIT NO. C-20416

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Alfred James Free,.....
requesting that Permit No. C-20416 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20416, heretofore issued to.....
Alfred James Free,.....be,
and the same is hereby, declared cancelled effective January 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
K. E. ANDERSON AND DONALD)
FRANKLIN, 2951 SO. FOX, ENGLE*)
WOOD, COLORADO.) PERMIT NO. C-20454.
)
)
)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
K. E. Anderson and Donald Franklin,
.....
requesting that Permit No. C-20454.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20454....., heretofore issued to.....
K. E. Anderson and Donald Franklin,.....be,
and the same is hereby, declared cancelled effective January 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL AND VIRGINIA SORENSEN,)
DOING BUSINESS AS "CLOVER BLOSSOM)
CREAMERY, HOLYOKE, COLORADO.) PERMIT NO. C-20968.
)
)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Paul and Virginia Sorensen, d/b/a Clover Blossom Creamery,
requesting that Permit No. C-20968 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20968, heretofore issued to.....
Paul and Virginia Sorensen, d/b/a Clover Blossom Creamery,.....be,
and the same is hereby, declared cancelled effective December 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. J. HONAKER, RT 2, COLORADO)
SPRINGS, COLORADO.)
)
)
)
-----)

PERMIT NO. C-21296.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----

H. J. Honaker,-----

requesting that Permit No. C-21296 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21296, heretofore issued to-----

H. J. Honaker,-----be,

and the same is hereby, declared cancelled effective January 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RUDY O'CANNA, 1518 SO. OAK,)
TRINIDAD, COLORADO.)
) PERMIT NO. C-21302.
)
)
)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Rudy O'Canna,

requesting that Permit No. C-21302 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21302, heretofore issued to-----
Rudy O'Canna,-----be,
and the same is hereby, declared cancelled effective January 17, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)

OLEN L. BELL, 11660 MT. VIEW BLVD.,
AURORA 8, COLORADO.)

PERMIT NO. C-21376.
)
)
)
)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----

Olen L. Bell,

requesting that Permit No. C-21376 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21376, heretofore issued to-----

Olen L. Bell,-----be,

and the same is hereby, declared cancelled effective December 19, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EVELYN M. ERLEWINE, MADRID,)
NEBRASKA.)
)
)
)

PERMIT NO. C-21913.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Evelyn M. Erlewine,
requesting that Permit No. C-21913 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21913, heretofore issued to.....
Evelyn M. Erlewine, be,
and the same is hereby, declared cancelled effective January 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND W. SAMPLE, PUEBLO,)
COLORADO.) PERMIT NO. C-21960.
)
)
)
-----)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Raymond W. Sample,
requesting that Permit No. C-21960 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21960, heretofore issued to.....
Raymond W. Sample, be,
and the same is hereby, declared cancelled effective January 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT E. MILLER, RT. 1,)
FLORENCE, COLORADO.)
) PERMIT NO. C-22451.
)
)
)
-----)

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Robert E. Miller,.....
requesting that Permit No. C-22451.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22451....., heretofore issued to.....
Robert E. Miller,.....be,
and the same is hereby, declared cancelled effective January 4, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EARNEST TIPPIE, 601 EAST)
SPRUCE, IOLA, KANSAS.)
)
)
)

PERMIT NO. C-22554.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Earnest Tippie,.....
requesting that Permit No. C-22554..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22554....., heretofore issued to.....
Earnest Tippie,..... be,
and the same is hereby, declared cancelled effective January 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD BARRETT, 154 W. BAYAUD,)
DENVER 9, COLORADO.)

PERMIT NO. C-22649.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Harold Barrett,
requesting that Permit No. C-22649 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22649, heretofore issued to.....
Harold Barrett,.....be,
and the same is hereby, declared cancelled effective January 20, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 8th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALFRED E. SEARL, 1761 SO.)
CORONA, DENVER 10, COLORADO.)
)
)
)
)

PERMIT NO. B-3792.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Alfred E. Searl,
requesting that Permit No. B-3792 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3792, heretofore issued to.....
Alfred E. Searl, be,
and the same is hereby, declared cancelled effective January 7, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. M. BALLARD, 4344 NIAGARA ST.,)
DENVER 16, COLORADO.)

PERMIT NO. B-3327.

February 8, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
W. M. Ballard,
requesting that Permit No. B-3327 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3327, heretofore issued to
W. M. Ballard,
and the same is hereby, declared cancelled effective January 7, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 8th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
SHERMAN WARD, 1414 EMPORIA STREET,
AURORA, COLORADO, FOR AUTHORITY TO
TRANSFER CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY NO.
PUC-1820 TO ADAM SCHLAGEL, 1695
ALTON STREET, AURORA, COLORADO.

APPLICATION NO. 9752
TRANSFER

February 7, 1949

Appearances: Sherman Ward, Aurora,
Colorado, pro se;
Adam Schlagel, Aurora,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-entitled application for transfer of PUC-1820 was filed December 30, 1948, set for hearing, and heard February 2, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and taken under advisement.

The evidence disclosed that the present holder of PUC-1820, Mr. Sherman Ward, of 1414 Emporia Street, Aurora, Colorado, is desirous of getting out of business, and has entered into a contract with transferee herein, Adam Schlagel, of 1695 Alton Street, Aurora, Colorado, to transfer all of his right, title, and interest in PUC-1820, along with the equipment and the business, for the sum of \$1250.00, to be paid to Mr. Ward at the rate of \$100.00 per month until it is all paid off; that the ton-mile tax deposit is to be transferred to transferee.

The evidence also disclosed that transferee is a suitable and qualified person to assume this operation; that he is financially responsible for an operation of this size, and that he is aware of the limitations on this certificate and takes it knowing said limitations.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding unpaid indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Sherman Ward, of 1414 Emporia Street, Aurora, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1820, to Adam Schlagel, of 1695 Alton Street, Aurora, Colorado, subject to any outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

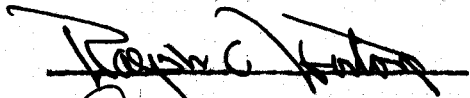
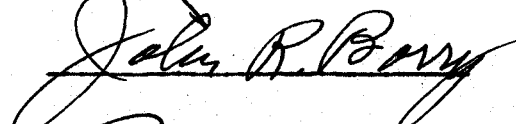
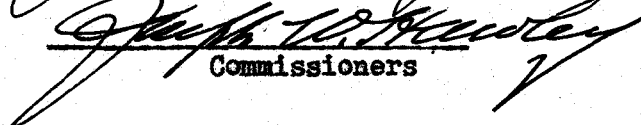
That ten-mile tax deposit be transferred to account of transferee.

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

That the right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate, and the payment by him, or by transferee, of all unpaid ten-mile tax.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 7th day of February, 1949.

(Decision No. 32122)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
R. T. CROLEY, 904 SEVENTH AVENUE,)
BOULDER, COLORADO, FOR AUTHORITY)
TO TRANSFER PERMIT NO. A-617 TO)
R. T. CROLEY AND B. H. CROLEY, 904)
SEVENTH AVENUE, BOULDER, COLORADO.)

APPLICATION NO. 9751-PP
TRANSFER

February 7, 1949

Appearances: B. H. Croley, Boulder, Colo-
rado, pro se;
Wm. T. Bullard, Boulder,
Colorado, for Pioneer
Trucking Company.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on Decem-
ber 29, 1948, set for hearing, and heard February 2, 1949, at the Commis-
sion's Hearing Room, 330 State Office Building, Denver, Colorado, and there
taken under advisement.

This authority was originally granted to R. T. Croley on February
16, 1934, for the transportation of:

Milk, in Boulder and vicinity to north,
and return to Boulder and Lafayette.

On August 3, 1937, Decision No. 10451 defined and qualified the
authority, authorizing service:

From and to points contained within an area
from a line drawn north and south through
Boulder as its west boundary and extending
not exceeding ten miles east and seven
miles north of Boulder, and as far south
as Marshall, with occasional trips from
points in said area to Lafayette.

On December 6, 1937, by Decision No. 11071, authority was ex-
tended to include (in addition to his milk transportation):

The transportation of coal from the northern Colorado coal fields to customers residing in the area described as follows: Extending north from Boulder a distance of seven miles; thence east four miles; thence south to Colorado Highway No. 7; thence west to Boulder; transportation of grain and hay from farms within the following described area: Extending north from Boulder a distance of ten miles; thence east to U. S. Highway No. 87; thence south to Colorado Highway No. 7; thence west to Boulder, to customers residing within the area first above described; and wood from the hills and forests west of Boulder to customers residing in the area first above described;

said operating rights being designated as Permit No. A-617.

By the instant application, R. T. Croley seeks authority to transfer said Permit No. A-617 to R. T. Croley and B. H. Croley, a partnership.

Inasmuch as the files of the Commission and the verified application, along with the testimony of B. H. Croley at the hearing, show that the permit is in good standing; that the road tax has been paid and that the ton-mile tax deposit is to be transferred to account of transferee partnership; that there are no outstanding unpaid operating obligations against said permit; that the transferees, pecuniarily and otherwise, are able and qualified to take on the operation; that the senior partner is up in years and can no longer take as active a part in the business as heretofore; the Commission feels that the instant application for transfer should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That R. T. Croley, Boulder, Colorado, be, and he hereby is, authorized to transfer to the partnership of R. T. Croley and B. H. Croley, of 904 Seventh Avenue, Boulder, Colorado, all his right, title, and inter-

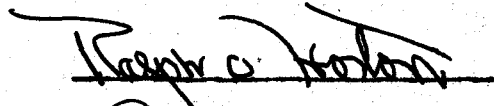
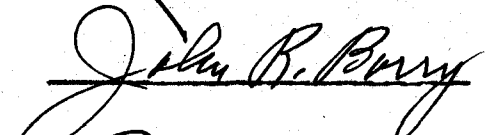

est in and to Permit No. A-617 -- being the operating rights granted on February 16, 1934, and extended by Decisions Nos. 10451 and 11071 -- subject to the payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

That the right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him, or by transferees, of all unpaid ton-mile tax.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 7th day of February, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PHIL MENGE, LIMON, COLORADO, FOR A)
CLASS "B" PERMIT.)

APPLICATION NO. 9750-PP

February 7, 1949

Appearances: Clyde Hodgson, Boulder, Colorado,
for Hodgson Transfer Company;
Marion F. Jones, Esq., Denver,
Colorado, for Britt Truck
Service.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on December 21, 1948, set for hearing, and heard February 2, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

The applicant did not appear.

Marion F. Jones, Esq., attorney for Britt Truck Service, moved that the instant application be dismissed as to sand and gravel haul in Boulder, Gilpin, and Clear Creek Counties, which motion was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That the application should be denied, for failure of applicant to make a proper showing.

O R D E R

THE COMMISSION ORDERS:

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

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 7th day of February, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Francis H. Hutton
John R. Barry
John W. Hedley
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY A. COOK, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 9753

February 7, 1949

Appearances: H. Allyn Hicks, Esq.,
Denver, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on December 7, 1948, set for hearing, and heard February 2, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, the evidence disclosed that applicant, Roy A. Cook, of 4580 South Pennsylvania Street, Englewood, Colorado, is desirous of obtaining a certificate of public convenience and necessity for:

"hauling trash in a portion of and in a radius of four miles from the center of 72nd and Meade Street, Westminster, Jefferson County, State of Colorado; and in the township of Englewood and township of Littleton, Arapahoe County, State of Colorado."

The evidence disclosed that applicant presently owns and operates a 1940 Mack 1½-ton truck, and has procured, or is in the process of procuring, all of the municipal or subsequent authority required before a certificate may issue from this Commission. His financial responsibility was established as being adequate.

No one appeared in protest to this application, and there were indications that applicant has had numerous requests for this proposed service. He also gave substantial evidence as to his knowledge of the

the rules and regulations of this Commission relative to an operation under a certificate of public convenience and necessity.

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require the operation as hereinafter set forth and limited, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That the present and future public convenience and necessity require, and will require, the proposed services of Roy A. Cook, of 4580 South Pennsylvania Street, Englewood, Colorado, to operate as a common carrier by motor vehicle for hire, for the transportation of trash in the following described territory, to-wit:

Within a four-mile radius of 72nd and Meade Streets, Westminster, Adams County, Colorado, and in the City of Englewood and a radius of one mile thereof, excluding the City and County of Denver; and in the City of Littleton and a two-mile radius thereof; and from said above described areas to disposal dumps now or hereafter established for trash.

That this order is, and shall be deemed, a certificate of public convenience and necessity for said operation.

That applicant shall file tariffs of rates, rules, and regulations and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

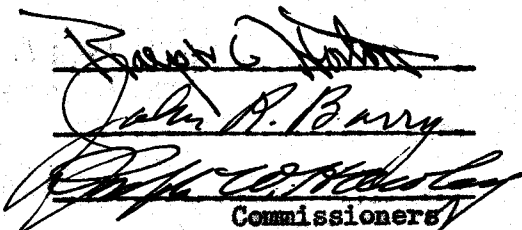
That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 7th day of February, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
TITO ANAYA, 1149 SANTA FE)	CASE NO. 44290-INS.
DRIVE, DENVER, COLORADO.)	(Permits B-3230 and C-15426)

February 7, 1949

S T A T E M E N T

By the Commission:

On October 29, 1948, in Case No. 44290-Ins., the Commission entered an order revoking Permits Nos. B-3230 and C-15426 for failure to keep on file effective insurance.

Mr. Anaya claims he had paid for insurance, but through neglect of the insurance agent same was not filed. However, proper insurance has now been filed, without any lapse of coverage. Under the circumstances the order of revocation should be set aside.

F I N D I N G S

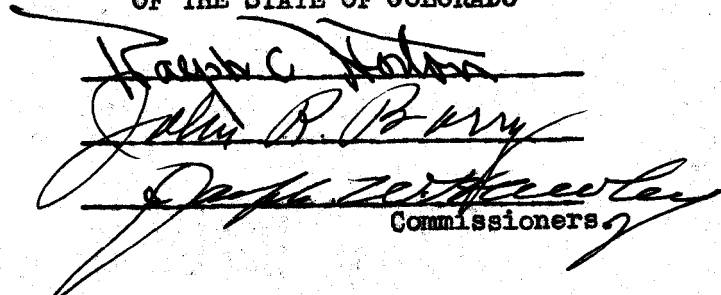
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 44290-Ins., should be cancelled and set aside, and said Permits Nos. B-3230 and C-15426 restored to their former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 44290-Ins., should be, and it hereby is, cancelled and set aside, and said Permits Nos. B-3230 and C-15426 restored to their former status as of October 29, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
STANLEY GERALD, 538 GAY STREET,)	
LONGMONT, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE)	<u>APPLICATION NO. 9748-PP.</u>
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

February 7, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority for a Class "B" permit for the transportation of sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to road and building construction jobs within a radius of 50 miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; and coal from mines in northern Colorado coal fields to Denver, Colorado.

The application was set for hearing on February 2, 1949, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado.

Shortly before the application was called up for hearing the Commission received a communication from applicant that he and his witnesses were snowbound and would be unable to come to Denver for the hearing; applicant requested that the hearing be vacated and the application reset for hearing at some future time at the convenience of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the request of applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That the hearing herein be, and the same is hereby vacated, subject to the application being reset for hearing at some future date that

shall meet the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Horton
John A. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 7th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. C. BARKER, ROUTE 2, BRIGHTON,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 9749-PP.
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

February 7, 1949

S T A T E M E N T

By the Commission:

The instant application was filed December 22, 1948, set for hearing, and heard, February 2, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

Applicant did not appear to prosecute his application, nor did anyone appear in his behalf. There were no protestants to the application either.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied for failure to prosecute.

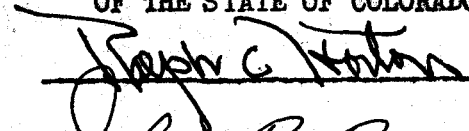
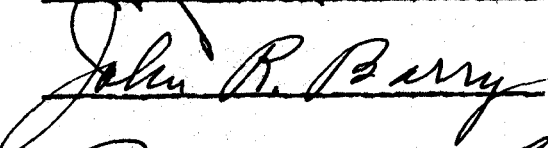
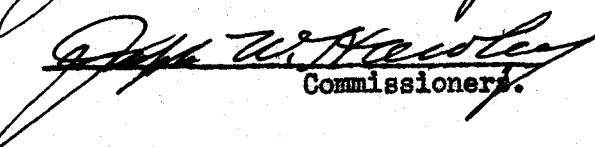
O R D E R

THE COMMISSION ORDERS:

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1949.

(Decision No. 32128)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. A. CANNELL, DOING BUSINESS)
AS "GLENWOOD TRANSFER," GLEN-)
WOOD SPRINGS, COLORADO.)

CASE NO. 45151-INS.
(Permit No. C-16276)

February 7, 1949

S T A T E M E N T

By the Commission:

On January 17, 1949, in Case No. 45151-Ins., the Commission entered an order revoking Permit No. C-16276, for failure to keep on file effective insurance.

Proper insurance was on file, but was not properly posted to the records, and revocation order should now be set aside as insurance is in order without lapse.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 45151-Ins., should be cancelled and set aside and said Permit No. C-16276 restored to its former status.

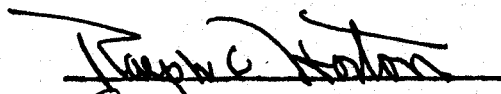
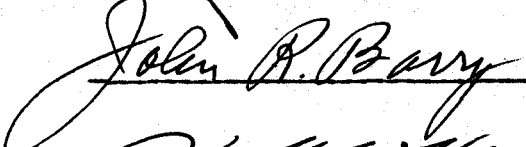
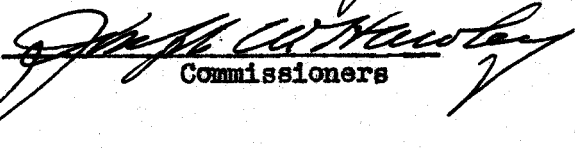
O R D E R

THE COMMISSION ORDERS:

That Decision No. 45151-Ins., should be, and hereby is, cancelled and set aside, and said Permit No. C-16276 restored to its former status as of January 17, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 7th day of February, 1949.




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. H. ENGHOLM, DOING BUSINESS AS)
"PIKES PEAK CONCRETE PRODUCTS,")
703 EAST PIKES PEAK, COLORADO.)
SPRINGS, COLORADO.)

CASE NO. 44945-INS.
(Permit No. C-21548)

February 7, 1949

S T A T E M E N T

By the Commission:

On January 17, 1949, in Case No. 44945-Ins., the Commission entered an order revoking Permit No. C-21548, for failure to keep on file effective insurance.

Proper insurance filings, without lapse, were filed within the five-day period of grace allowed in the order, and the revocation should be set aside and permit placed in good standing.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 44945-Ins., should be cancelled and set aside, and said Permit C-21548 restored to its former status.

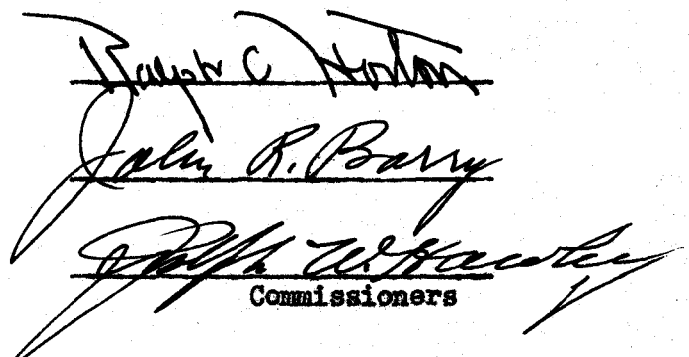
O R D E R

THE COMMISSION ORDERS:

That Decision No. 44945-Ins., should be, and hereby is, cancelled and set aside, and said Permit No. C-21548 restored to its former status as of January 17, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 7th day of February, 1949.


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
FRANK W. GOLD AND HENRY LOCKMAN,
DOING BUSINESS AS "GOLD & LOCKMAN,"
1717 EAST 31ST AVENUE, DENVER,
COLORADO.

CASE NO. 45066-INS.
(Permit No. C-20999)

February 7, 1949

S T A T E M E N T

By the Commission:

On January 17, 1949, in Case No. 45066-Ins., the Commission entered an order revoking Permit No. C-20999 for failure to keep on file effective insurance.

Proper insurance, without lapse, has been filed within the five-day period of grace, and order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 45066-Ins., should be cancelled and set aside, and said Permit No. C-20999 restored to its former status.

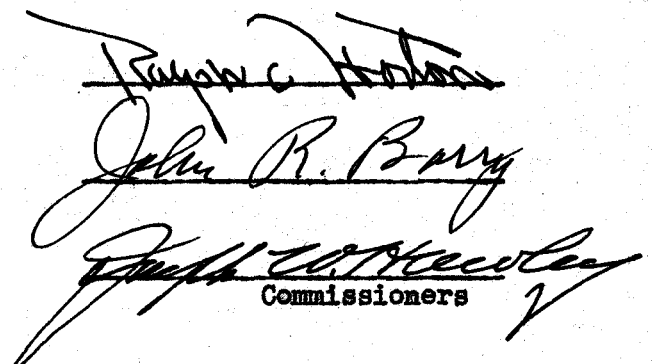
O R D E R

THE COMMISSION ORDERS:

That Decision No. 45066-Ins., should be, and hereby is, cancelled and set aside, and said Permit No. C-20999 restored to its former status as of January 17, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 7th day of February, 1949.


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FREDERIC A. BETHKE, DOING BUSINESS)
AS "BETHKE TRUCK LINES," GILCREST,)
COLORADO, FOR AUTHORITY TO LEASE)
A PORTION OF PUC NO. 557 TO MARVIN)
E. SMITH AND KENNETH SMITH, DOING)
BUSINESS AS "SMITH TRUCK LINE,")
GREELEY, COLORADO.)

APPLICATION NO. 9069

February 7, 1949

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

S T A T E M E N T

By the Commission:

On January 22, 1948, petitioners herein filed a petition for authority to lease a portion of PUC No. 557 to Marvin E. Smith and Kenneth Smith, co-partners, doing business as "Smith Truck Line," Greeley, Colorado, said lease agreement being dated January 20, 1948, and to terminate one year from date.

The application was set for hearing, and heard, February 25, 1948, at 330 State Office Building, Denver, Colorado, and there taken under advisement.

On December 31, 1948, petitioner asked, by letter, that approval of said lease agreement be extended for another year.

We have carefully examined the files in the instant application, and cannot find where the Commission has made formal approval of said lease. Apparently, this was an oversight on the part of the Commission, as an examination of our records discloses no good reason why the original application should not have been granted, and it further appears that an extension of the lease for another year would be in the public interest.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that the lease agreement attached to the application herein should have been approved, and, further, that an extension of lease agreement for another year, ending January 20, 1950, is in the public interest.

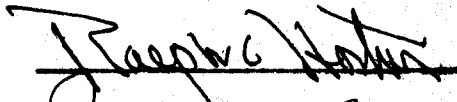
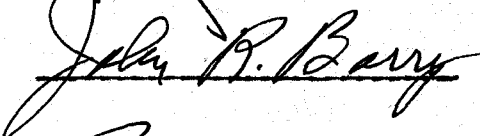

O R D E R

THE COMMISSION ORDERS:

That the lease agreement, dated January 20, 1948, and made a part of the instant application, be, and the same is hereby, approved.

That the extension of said lease agreement for the year ending January 20, 1950, be, and the same hereby is, approved.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 7th day of February, 1949.

(Decision No. 32132)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE IN RATES OF
THE LEADVILLE WATER COMPANY;
LEADVILLE, COLORADO.

INVESTIGATION AND SUSPENSION
DOCKET NO. 279

February 4, 1949

Appearances: Hughes and Dorsey,
W. Clayton Carpenter, Esq.,
E. G. Knowles, Esq.,
Denver, Colorado, and
A. J. Laing, Leadville,
Colorado, for The
Leadville Water Company;
Robert A. Theobald, Esq.,
Breckenridge, Colorado,
for protestants;
C. L. Flower and
W. Geo. Denny, Jr.,
Denver, Colorado, for
the Commission.

S T A T E M E N T

By the Commission:

Protestants and water users pecuniarily interested in the above entitled matter have filed herein an application for rehearing of the Commission's Decision No. 31877, of date January 10, 1949, and said protestants and The Leadville Water Company have agreed that an oral argument should be had upon said application for rehearing.

F I N D I N G S

THE COMMISSION FINDS:

That an oral argument on said application for rehearing is advisable.

ORDER

THE COMMISSION ORDERS:

That a hearing upon application for rehearing, filed herein as aforesaid, be, and the same is hereby, set for Tuesday, February 15, 1949, at ten o'clock, A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Bury

Joseph W. Heasley
Commissioners

DATED at Denver, Colorado,
this 4th day of February, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. J. ZAMBELLI AND J. EDWARD)
PERRY, DOING BUSINESS AS "MILE)
HIGH FUEL COMPANY," 1440 WEST)
13th AVENUE, DENVER 4, COLORADO)
-----)

PERMIT NO. C-1297

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
A. J. Zambelli and J. Edward Perry, d/b/a Mile High Fuel Company,
requesting that Permit No. C-1297 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-1297, heretofore issued to.....
A. J. Zambelli and J. Edward Perry, d/b/a Mile High Fuel Company, be,
and the same is hereby, declared cancelled effective December 31, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GIRARDO DEBELL, 3705 QUIVAS,)
DENVER, COLORADO.)
)
)
)

PERMIT NO. C-2111.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Girardo DeBell,-----
requesting that Permit No. C-2111-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-2111-----, heretofore issued to-----
Girardo DeBell,-----be,
and the same is hereby, declared cancelled effective February 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SPUD CHIP SALES, INC., 525½ 10th)
STREET, GREELEY, COLORADO.)
)
)
)

PERMIT NO. C-5276.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Spud Chip Sales, Inc.,.....
requesting that Permit No. C-5276 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-5276, heretofore issued to.....
Spud Chip Sales, Inc.,.....be,
and the same is hereby, declared cancelled effective October 13, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FARLEY GAS COMPANY, 5604 E.)
COLFAX AVENUE, DENVER 4, COLO.)
)
)
)

PERMIT NO. C-11767.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Farley Gas Company,.....
requesting that Permit No. C-11767 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-11767....., heretofore issued to.....
Farley Gas Company,.....be,
and the same is hereby, declared cancelled effective February 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

George W. Hardy

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN BROWER, 1928 7th AVENUE,)
GREELEY, COLORADO.)
)
)
)

PERMIT NO. C-12428.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
John Brower,.....
requesting that Permit No. C-12428 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-12428, heretofore issued to.....
John Brower,.....be,
and the same is hereby, declared cancelled effective January 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. B. C.

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WESTERN CANNING CO. INC., 2nd)
& GRANT STS., LA JUNTA, COLO.)
)
)
)

PERMIT NO. C-14370.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Western Canning Co. Inc.,
requesting that Permit No. C-14370 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-14370, heretofore issued to.....
Western Canning Co. Inc.,.....be,
and the same is hereby, declared cancelled effective January 18, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE A. HERNANDEZ, RT 1, BOX 346,)
TRINIDAD, COLORADO.)
) PERMIT NO. C-15806.
)
)
-----)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Joe A. Hernandez,.....
requesting that Permit No. C-15806.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-15806....., heretofore issued to.....
Joe A. Hernandez,.....be,
and the same is hereby, declared cancelled effective January 22, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barr

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
O. GLENN MORRETT, 2902 CHASE ST.,)
DENVER 14, COLORADO.)

PERMIT NO. C-17573.

February 11, 1949

S T A T E M E N T

By the Commission:

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

O. Glenn Morrett,

requesting that Permit No. C-17573 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17573, heretofore issued to.....

O. Glenn Morrett, be,

and the same is hereby, declared cancelled effective January 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MELVIN FLANAGAN, 1050 SO. STEELE,
DENVER 9, COLORADO.)

) PERMIT NO. C-17686.
)
)
)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Melvin Flanagan,.....
requesting that Permit No. C-17686 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17686, heretofore issued to.....
Melvin Flanagan,..... be,
and the same is hereby, declared cancelled effective December 2, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raeplac Norton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this.....11th day of.....February..., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
E. J. WHITE, 6429 WEST ALAMEDA,)	
DENVER, COLORADO, FOR A CLASS "B")	APPLICATION NO. 9793-PP.
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

February 11, 1949

Appearances: E. J. White, Denver,
Colorado, pro se;
Jones, Stockton & Small, Esqs.,
Denver, Colorado, for Britt
Truck Service, and Overland
Motor Express;
Clyde J. Hodgson, Boulder, Colo-
rado, for Hodgson Transfer.

S T A T E M E N T

By the Commission:

The instant application was filed January 12, 1949, wherein applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road surfacing material from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points; and coal from mines in the northern Colorado coal fields to Denver.

The application was set for hearing, and heard, February 9, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, applicant, E. J. White, testified that he owns two trucks, one 1½-ton Ford truck, and a 2-ton GMC; that his net worth is approximately \$10,000.00; that he was interested in hauling the articles requested by contractors, and coal for persons in his own neighborhood. He stated under cross-examination that he had had no calls for, and was not desirous of performing any transportation in Boulder, Gilpin and Clear Creek Counties, whereupon protestants withdrew their protests.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That E. J. White, of 6429 West Alameda, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road surfacing materials from pits and supply points within the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields, to Denver, Colorado.

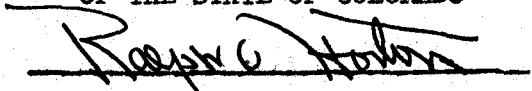
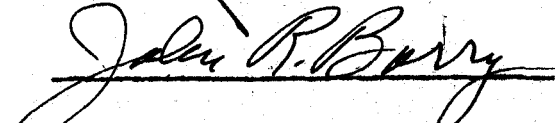

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN & ALBERT BECCO & SAM MONEG-)
HINI, DOING BUSINESS AS "HILL TOP)
MARKET," 1409 SOUTH 9th, CANON) PERMIT NO. C-18721.
CITY, COLORADO.)
)
-----)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
John & Albert Becco & Sam Moneghini, d/b/a Hill Top Market,.....
requesting that Permit No. C-18721..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-18721....., heretofore issued to.....
John & Albert Becco & Sam Moneghini, d/b/a Hill Top Market,..... be,
and the same is hereby, declared cancelled effective January 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph E. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK OSBORNE, BOX 377, PERRYTON)
TEXAS.)
)
)
-----)

PERMIT NO. C-19179.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Jack Osborne,.....
requesting that Permit No. C-19179.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19179....., heretofore issued to.....
Jack Osborne,.....be,
and the same is hereby, declared cancelled effective January 27, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LELAND A. BRUBAKER, ORDWAY,)
COLORADO.)
PERMIT NO. C-19661.
)
)
)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Leland A. Brubaker,-----
requesting that Permit No. C-19661 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19661, heretofore issued to-----
Leland A. Brubaker,-----be,
and the same is hereby, declared cancelled effective January 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY C. ALEXANDER, PO BOX 1281)
COLORADO SPRINGS, COLORADO.)
)
)
)

PERMIT NO. C-19848.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Henry C. Alexander,.....
requesting that Permit No. C-19848 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19848, heretofore issued to.....
Henry C. Alexander,..... be,
and the same is hereby, declared cancelled effective January 25, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN J. PAYAN, BOX 567,)
DELTA, COLORADO.)
)
)
)
)

PERMIT NO. C-20055.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
John J. Payan,.....
requesting that Permit No. C-20055.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20055....., heretofore issued to.....
John J. Payan,.....be,
and the same is hereby, declared cancelled effective January 30, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ARCHIE B. SANDERS, 310 GRAND)
AVENUE, WALSENBURG, COLORADO.)
)
)
)
-----)

PERMIT NO. C-20335.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Archie B. Sanders,.....
requesting that Permit No. C-20335.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20335....., heretofore issued to.....
Archie B. Sanders,.....be,
and the same is hereby, declared cancelled effective January 27, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. ...

Joseph ...

Commissioners

Dated at Denver, Colorado,
this 11th day of February, ..., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK AND ORLANDO DE HERRERA,)
RFD BOX 200, ANTONITO, COLORADO)
)
)
)

PERMIT NO. C-20561.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Frank and Orlando De Herrera,.....
requesting that Permit No. C-20561.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20561....., heretofore issued to.....
Frank and Orlando De Herrera.....be,
and the same is hereby, declared cancelled effective January 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hartant

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th.....day of February....., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VICTORIANO RIVERA, c/o FRED)
BAGA, SOPRIS, COLORADO.)
)
)
)
-----)

PERMIT NO. C-20659.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Victoriano Rivera,.....
requesting that Permit No. C-20659 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20659, heretofore issued to.....
Victoriano Rivera,.....be,
and the same is hereby, declared cancelled effective November 28, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND AND GEORGE BIEDERMAN,)
DOING BUSINESS AS "BIEDERMAN)
BROS." RT 1, LONGMONT, COLORADO)
)
)

PERMIT NO. C-20787

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Raymond and George Biederman, d/b/a Biederman Bros.,
requesting that Permit No. C-20787 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20787, heretofore issued to.....
Raymond and George Biederman, d/b/a Biederman Bros., be,
and the same is hereby, declared cancelled effective January 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hooten

John R. Barry

Joseph W. Havel
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
NELSON H. HOLDEMAN, SIDNEY,)
NEBRASKA.)

PERMIT NO. C-21168.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Nelson H. Holdeman,
requesting that Permit No. C-21168 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21168, heretofore issued to.....
Nelson H. Holdeman,.....be,
and the same is hereby, declared cancelled effective September 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
F. S. & E. D., V. I. & D. A.)
OSTERTAG & J. M. & C. F. DUNN,)
DOING BUSINESS AS "WICHITA) PERMIT NO. C-21222.
DISTRIBUTING COMPANY," 800 E.)
21st, WICHITA, KANSAS.)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
F. S. & E. D., V. I. & D. A. Ostertag & J. M. & C. F. Dunn, d/b/a Wichita Distri-
buting Company,
requesting that Permit No. C-21222 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21222, heretofore issued to.....
F. S. & E. D., V. I. & D. A. Ostertag & J. M. & C. F. Dunn, d/b/a Wichita Distri-
buting Company,
and the same is hereby, declared cancelled effective January 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hart

John R. B. B.

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this.....11th.....day of February....., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
K & W MOTOR & APPLIANCE CO. INC.,
222 W. 5th, SCOTT CITY, KANSAS.)

PERMIT NO. C-21245.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
K & W Motor & Appliance Co. Inc.,
requesting that Permit No. C-21245 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21245, heretofore issued to.....
K & W Motor & Appliance Co. Inc., be,
and the same is hereby, declared cancelled effective January 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Bass

Joseph C. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE W. MORRICAL, GENERAL)
DELIVERY, CRAIG, COLORADO.)
)
)
)
-----)

PERMIT NO. C-21494.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
George W. Morrical,
requesting that Permit No. C-21494 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21494, heretofore issued to.....
George W. Morrical,
and the same is hereby, declared cancelled effective January 22, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Brown

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN W. GRAY, GENERAL DELIVERY,)
STEAMBOAT SPRINGS, COLORADO.)
)
)
)

PERMIT NO. C-21690.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
John W. Gray,.....
requesting that Permit No. C-21690 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21690, heretofore issued to.....
John W. Gray,.....be,
and the same is hereby, declared cancelled effective January 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John H. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLYDE SWEET, BOX 83, FLAGLER,)
COLORADO.)

PERMIT NO. C-22139

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Clyde Sweet,.....
requesting that Permit No. C-22139 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22139, heretofore issued to.....
Clyde Sweet,..... be,
and the same is hereby, declared cancelled effective January 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John A. Boring

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MANUEL MAESTAS, DOLORES, COLO.)
)
) PERMIT NO. C-22165.
)
)
)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Manuel Maestas,.....
requesting that Permit No. C-22165 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22165, heretofore issued to.....
Manuel Maestas,.....be,
and the same is hereby, declared cancelled effective January 25, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES W. BEMISS, 1122 B AVE.)
LA JUNTA, COLORADO.)

PERMIT NO. C-22188.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Charles W. Bemiss,
requesting that Permit No. C-22188 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22188, heretofore issued to.....
Charles W. Bemiss,
and the same is hereby, declared cancelled effective January 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Brown
James W. Hickey
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WM. J. EPPING, DOING BUSINESS AS)
"IMPERIAL DRY-FLO CO." PO BOX)
X-76, IMPERIAL, CALIFORNIA.) PERMIT NO. C-22202.
)
)
-----)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Wm. J. Epping, d/b/a Imperial Dry-Flo Co.,
requesting that Permit No. C-22202 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22202, heretofore issued to.....
Wm. J. Epping, d/b/a Imperial Dry-Flo Co., be,
and the same is hereby, declared cancelled effective January 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Bar
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
O. C. BROTHERS, BOX 87,)
HUDSON, COLORADO.)
)
)
)

PERMIT NO. C-22264.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
O. C. Brothers,.....
requesting that Permit No. C-22264..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22264....., heretofore issued to.....
O. C. Brothers,..... be,
and the same is hereby, declared cancelled effective January 29, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLARD L. NORRIS, PENROSE,)
COLORADO.)
PERMIT NO. C-22363.
)
)
)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Willard L. Norris,
requesting that Permit No. C-22363 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22363, heretofore issued to.....
Willard L. Norris, be,
and the same is hereby, declared cancelled effective January 21, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY D. HATFIELD, BOX 2690,)
DENVER 1, COLORADO.)
)
)
)

PERMIT NO. C-22487.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Harry D. Hatfield,

requesting that Permit No. C-22487 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22487, heretofore issued to.....
Harry D. Hatfield, be,
and the same is hereby, declared cancelled effective January 22, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Bar

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY LOVISONE, 1126 MARIPOSA,) PERMIT NO. B-3369.
DENVER 4, COLORADO.)
-----)

February 11, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3369 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Harry Lovisone be, and he is hereby, authorized to suspend his operations under Permit No. B-3369 until July 1, 1949.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MEYER LEVY, DOING BUSINESS AS)
"COLORADO BROKERAGE COMPANY,")
1475 DAHLIA STREET, DENVER 7,) PERMIT NO. C-21320.
COLORADO.)
)
)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Meyer Levy, d/b/a Colorado Brokerage Company,
requesting that Permit No. C-21320.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21320....., heretofore issued to.....
Meyer Levy, d/b/a Colorado Brokerage Company,.....be,
and the same is hereby, declared cancelled effective January 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. B...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DON COOPER, ROGGEN, COLORADO.)
)
)
)
)
)

PERMIT NO. C-6983.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Don Cooper,.....
requesting that Permit No. C-6983.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-6983....., heretofore issued to.....
Don Cooper,.....be,
and the same is hereby, declared cancelled effective January 31, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT M. ACKERSON, BOX 38,)
WELLINGTON, COLORADO.)
) PERMIT NO. C-22409.
)
)
)

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Robert M. Ackerson,.....
requesting that Permit No. C-22409.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22409....., heretofore issued to.....
Robert M. Ackerson,.....be,
and the same is hereby, declared cancelled effective January 31, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

John H. B. B.

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ARCHIE L. & ROBERT P. SARGENT,)
DOING BUSINESS AS "SARGENT BROS.
DIST. CO." 2406 6th AVENUE,)
PUEBLO, COLORADO.)
-----)

PERMIT NO. C-22396.

February 11, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Archie L. & Robert P. Sargent,

requesting that Permit No. C-22396.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22396....., heretofore issued to.....
Archie L. & Robert P. Sargent,.....be,
and the same is hereby, declared cancelled effective January 27, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GOMER S. & WILFRED A. STERLING,)
DOING BUSINESS AS "STERLING SAND)
& GRAVEL COMPANY," BELLVUE,)
COLORADO.)
-----)

CASE NO. 45163-INS.
(Permit No. C-13319)

February 11, 1949

S T A T E M E N T

By the Commission:

On February 2, 1949, in Case No. 45163-Ins., the Commission entered an order revoking Permit No. C-13319 for failure to keep on file effective insurance.

Proper insurance was on file, but through some misunderstanding was not posted to the permit which was being transferred. Under the circumstances, order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 45163-Ins., should be cancelled and set aside and said Permit No. C-13319 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 45163-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-13319 restored to its former status as of February 2, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Holton

John R. Barry

Joseph C. Holton
Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD BEAVER AND KENNETH BENNETT,)
CO-PARTNERS, DOING BUSINESS AS)
"B AND B EXPRESS CO., 105 WEST)
ELLSWORTH, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 9725-PP.

February 11, 1949

Appearances: Kenneth Bennett, Denver,
Colorado, for applicants;
A. J. Fregeau, Denver,
Colorado, for Welcker Transfer
and Storage Company;
E. B. Evans, Esq., Denver,
Colorado, for Rein Milk
Transport;
Harold Swena, Golden, Colorado,
for Swena Transfer Company;
Harold D. Torgan, Esq., Denver,
Colorado, for Bekins Moving
and Storage Company, Amick
Transfer and Storage Company,
and Johnson Storage and
Moving Company.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B"
private carrier by motor vehicle for hire for the transportation of:

Household appliances, roofing supplies, new and
used furniture, from Denver to points within a
radius of fifteen miles of Denver, and from
points within said radius to Denver.

Said application was set for hearing, and heard, on January 13,
1949, at the Hearing Room of the Commission, 330 State Office Building,
Denver, Colorado, after due notice to all parties in interest, and there
taken under advisement.

Kenneth Bennett testified that Donald Beaver and himself, doing business as "E & B Express Co.," were the applicants herein and that he was the active partner; that he had not been engaged in the trucking business until about three months prior to the hearing; that their equipment consisted of a 1930 Ford truck, Model "A", 1½-ton capacity, with stake body, and that there also was available for lease one Chevrolet van, 1936 model, 1½-ton capacity; that his net worth was between \$300.00 and \$400.00, and the net worth of his partner, Donald Beaver, was about the same amount. In connection with the application, he had submitted the names of twenty well-known commercial houses in Denver, and wished to serve all the customers listed.

Witness stated that there had been no demand for his service, and that it was his own idea to build up a business by calling upon the customers listed and offering his services, and, on occasion, he had hauled merchandise for some of the customers listed during the three months' period prior to the hearing. Most of the customers listed own their own delivery trucks and need only occasional service, and he only expected to handle electric stoves, washing machines, and similar appliances for these customers when they could not handle the same themselves. He knew nothing about the rates prescribed for service beyond the city limits of Denver, did not know if there were other carriers authorized to handle the business, had not talked over proposed rates with any of the customers listed, and did not know whether such service now performed beyond the city limits of Denver by certificated carriers was adequate. He presumed that his customers knew what rates should be charged beyond the city limits. He admitted that, if the authority asked for were granted, the business he would obtain would be taken from common carriers who served the same territory, although he did not know what common carriers had authority in that territory.

Applicant presented no testimony from prospective customers, and admitted that no request had come from these customers for service until he had solicited their business.

Harold Swena, of the Swena Transfer Company, owner of PUC-701, testified that he had hauled merchandise for many of the firms whose names appear on the customer list of applicants, and needs the business from such source. His business had dropped off since October, 1948, more than during the period of twenty years prior to that date. He has four or five trucks that are not now in operation, and has received no complaint as to his service in the territory covered by the application. He stated that, if the application were granted, he would lose sufficient business to affect his ability to properly serve the public in that territory.

A.J. Fregeau, manager of the Transportation Division of Weicker Transfer and Storage Company, which company has transfer authority in the territory which applicants desire to serve, testified that, since October, 1948, the local cartage business in said area had decreased fifteen per cent, and was still decreasing, and that the grant of further authority would definitely decrease the volume of business of the common carriers operating in said territory, and would definitely result in impairment of the service of the common carriers. His company has approximately one hundred trucks available, and regularly serves many of the customers whose names appear on the applicants' customer list, and he had received no complaint as to the service. His company could serve all the needs of the firms named.

At the close of the testimony, Mr. A. J. Fregeau and Mr. E. B. Evans joined in a motion to dismiss the application on the ground that applicants had no knowledge of the rules and regulations of the Commission, the rates applicable to the service proposed, and did not have the financial ability to properly operate under the authority applied for; that there had been no testimony indicating a need or demand for their services, and no proof that the granting of their application would not impair the efficiency of the presently authorized common carriers in the territory referred to, and that, in fact, the testimony had shown that the service applicants propose would greatly impair the present service of such common carriers.

This Commission has frequently held that authority to operate as a motor carrier will not be granted merely upon the desire of an applicant to go into the trucking business. It must appear that the authority sought will not impair the efficiency of authorized common carriers, and that there is a definite need for the proposed service.

The Commission is of the opinion, from the evidence, that applicants have not sustained the burden imposed upon them by law, and that the motion referred to should be granted.

FINDINGS

THE COMMISSION FINDS:

That the application herein should be denied, for the reasons stated in the above and foregoing Statement, which by reference is made a part hereof.

ORDER

THE COMMISSION ORDERS:

That the application of Donald Beaver and Kenneth Bennett, doing business as "B and B Express Co." Denver, Colorado, be, and the same is hereby, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Healey
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL MC CONNELL, 712 SOUTH CORONA)
STREET, DENVER, COLORADO, FOR A) APPLICATION NO. 9754-PP.
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

February 11, 1949

Appearances: Myron H. Burnett, Esq., Denver,
Colorado, for Common Carrier
Division of The Colorado Motor
Carriers' Association; North-
eastern Motor Freight;
Worth Allen, Esq., Denver, Colo-
rado, for William F. Ackley;
J. Corder Smith, Esq., Sterling,
Colorado, for Atwood Brothers.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at
Sterling, Colorado, on February 8, 1949, at ten o'clock A. M., due notice
of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear,
either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dis-
missed for lack of prosecution.

The matter was taken under advisement.

F I N D I N G S

After careful consideration of the record, the Commission is
of the opinion, and finds, that said application should be dismissed for
lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled matter be, and the same hereby is,
dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LENNIE FOREST ALLEN, HAXTUN, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC) APPLICATION NO. 9756.
CONVENIENCE AND NECESSITY.)
-----)

February 11, 1949

Appearances: Lennie Forest Allen,
Haxtun, Colorado, pro se.

S T A T E M E N T

By the Commission:

On November 30, 1948, applicant herein filed application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire in a general draying business in the Town of Haxtun, Phillips County, Colorado, and between points within a radius of ten miles of Haxtun, Colorado.

The above application was heard and taken under advisement at Sterling, Colorado, February 8, 1949.

At the hearing, the evidence disclosed that applicant is desirous of operating as a common carrier by motor vehicle for hire for the transportation of general commodities, except livestock, including freight, to and from the railroad depot, sand, and gravel, trash, ashes, garbage, coal, and building materials, and such other items as are usually hauled by one operating a general drayage business, in the Town of Haxtun, and within a ten-mile radius thereof.

Applicant testified he is presently operating under temporary authority issued by the enforcement division of this Commission.

No one appeared protesting the granting of the application, and it appears from the record before the Commission that applicant's proposed service is in the public interest, and is necessary for the residents of Haxtun and the territory immediately surrounding.

F I N D I N G S

After careful consideration of the record, and the evidence, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicant, as limited by the Order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Lennie Forest Allen, Haxtun, Colorado, to operate a general draying business, for the transportation of general commodities, except livestock, including freight, sand, and gravel, trash, ashes, garbage, coal, and building materials, between points in the Town of Haxtun, Colorado, and between points in said town and points within a ten-mile radius of Haxtun, Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton

John R. Barry

Joseph W. Hecox
Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CECIL A. UBER, HAXTUN, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-) APPLICATION NO. 9758.
IENCE AND NECESSITY.)
-----)

February 14, 1949

Appearances: Cecil A. Uber, Haxtun,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On December 11, 1948, applicant herein filed application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire in a general draying business in the Town of Haxtun, Phillips County, Colorado, and between points within a radius of ten miles of Haxtun, Colorado.

The above application was heard and taken under advisement at Sterling, Colorado, February 8, 1949.

At the hearing, the evidence disclosed that applicant is desirous of operating as a common carrier by motor vehicle for hire for the transportation of general commodities, except livestock, including freight to and from the railroad depot, sand, and gravel, trash, ashes, garbage, coal, and building materials, and such other items as are usually hauled by one operating a general drayage business, in the Town of Haxtun, and within a ten-mile radius thereof.

Applicant testified he is presently operating under temporary authority issued by the enforcement division of this Commission.

No one appeared protesting the granting of the application, and it appears from the record before the Commission that applicant's proposed service is in the public interest, and is necessary for the residents of Haxtun and the territory immediately surrounding.

F I N D I N G S

After careful consideration of the record and the evidence, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicant, as limited by the Order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Cecil A. Uber, Haxtun, Colorado, to operate a general draying business, for the transportation of general commodities, except livestock, including freight, sand, and gravel, trash, ashes, garbage, coal, and building materials, between points in the Town of Haxtun, Colorado, and between points in said town and points within a ten-mile radius of Haxtun, Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond C. Hahn

John R. Barry

John R. Barry
Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY E. HOSCHOUER, HAXTUN, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-) APPLICATION NO. 9658.
IENCE AND NECESSITY.)
-----)

February 14, 1949

Appearances: Clark W. Kinzie, Esq.,
Sterling, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

On October 25, 1948, applicant herein filed application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire in a general draying business in the Town of Haxtun, Phillips County, Colorado, and between points within a radius of ten miles of Haxtun, Colorado.

The above application was heard and taken under advisement at Sterling, Colorado, February 8, 1949.

At the hearing, the evidence disclosed that applicant is desirous of operating as a common carrier by motor vehicle for hire for the transportation of general commodities, except livestock, including freight, to and from the railroad depot, sand and gravel, trash, ashes, garbage, coal, and building materials, and such other items as are usually hauled by one operating a general drayage business, in the Town of Haxtun, and within a ten-mile radius thereof.

Applicant testified he is presently operating under temporary authority issued by the enforcement division of this Commission.

No one appeared protesting the granting of the application, and it appears from the record before the Commission that applicant's proposed service is in the public interest, and is necessary for the residents of Haxtun and the territory immediately surrounding.

F I N D I N G S

After careful consideration of the record and the evidence, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicant, as limited by the Order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Roy E. Hoschouer, Haxtun, Colorado, to operate a general draying business, for the transportation of general commodities, except livestock, including freight, sand, and gravel, trash, ashes, garbage, coal, and building materials, between points in the Town of Haxtun, Colorado, and between points in said town and points within a ten-mile radius of Haxtun, Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton

John R. Barry

Joseph W. Kennedy
Commissioners.

Dated at Denver, Colorado,
this 14th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EVERETT SCHMELZLE, 634 KING STREET,
DENVER, COLORADO, FOR AUTHORITY TO
EXTEND OPERATIONS UNDER PERMIT NO.
B-1154.

APPLICATION NO. 9724-PP-Extension.

February 14, 1949

-q-

Appearances: Everett Schmelzle, Denver,
Colorado, pro se;
A. E. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
T. A. White, Esq., Denver,
Colorado, for The Denver
and Rio Grande Western Rail-
road Company, Rio Grande Motor
Way, and Larson Transportation
Company;
Harold Swena, Golden, Colorado,
for Swena Transfer Company;
Harold D. Torgan, Esq., Denver,
Colorado, for Gallagher
Transfer Company;
E. B. Evans, Esq., Denver, Colo-
rado, for Airline Express, Inc.

STATEMENT

By the Commission:

By Decision No. 6904, of date December 6, 1935, Everett Schmelzle was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of brick for the Denver Pressed Brick Company, only, from Denver to points within a radius of 75 miles thereof, and occasionally to Pueblo, and the transportation of clay from the Denver Pressed Brick Company's pits, about nine miles from Denver, to the plant of said company in Denver, and coal from mines in the northern Colorado coal fields to Denver. Said authority was assigned No. B-1154.

By Decision No. 9115, of date December 21, 1936, applicant was granted an extension of authority under said permit to transport coal for the Denver Fire Clay Company, only, from pits of said company to any point in the State of Colorado.

By the instant application, applicant seeks an extension of authority under said permit to transport heavy machinery and structural steel from Denver to points and places in the State of Colorado, and from points in Colorado to Denver.

The application was set for hearing on January 13, 1949, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and after proper notice to all parties in interest was called for hearing at said time and place.

After applicant and one of his witnesses had testified, the applicant stated to the Commission that he wished to amend his application by broadening the scope of his authority to include the right to transport heavy machinery and structural steel from, to, and between points in the State of Colorado, and requested that the setting be vacated; that he be permitted to file an amendment to his application; and that the application, as amended, be set for hearing on some future date convenient to the Commission. The request was taken under advisement.

FINDINGS

THE COMMISSION FINDS:

That the request of applicant should be granted.

ORDER

THE COMMISSION ORDERS:

That hearing on said application be, and the same is hereby vacated; that applicant be permitted to file an amended application; and that application, as amended, be set for hearing at some future date at the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph C. Healey
Commissioners.

Dated at Denver, Colorado,
this 14th day of February, 1949.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MARTIN E. STITES, 3510 WEST CUSTER
PLACE, DENVER 9, COLORADO, FOR AN
EXTENSION OF PERMIT NO. B-3804.

APPLICATION NO. 9794-PP-Extension.

February 14, 1949

Appearances: Martin E. Stites, Denver,
Colorado, pro se;
Jones, Stockton & Small, Esqs.,
Denver, Colorado, for Britt
Truck Service, and Overland
Motor Express;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
E. B. Evans, Esq., Denver, Colo-
rado, for Airline Express, Inc.,
and Fred Rein, Jr.;
Clyde J. Hodgson, Boulder, Colo-
rado, for Hodgson Transfer.

STATEMENT

By the Commission:

The instant application was filed January 13, 1949, wherein applicant seeks to have his present authority under Private Carrier Permit No. B-3804 increased from fifty miles of Denver, to fifty miles of the point of operation.

The application was set for hearing, and heard, February 9, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, Martin E. Stites, the applicant herein, testified that he is presently the holder of Private Carrier Permit No. B-3804; that he presently operates a 1948 Ford truck; has a net worth of approximately \$3,000.00, and is hauling for eight contractors. He stated that he desires no additional authority, but that his only desire is to have his present authority changed from an operating radius of fifty miles of Denver, Colorado, to an operating radius of fifty miles of the point of operation -- whatever that might be.

Clyde J. Hodgson, of the Hodgson Transfer Company of Boulder, Colorado, stated that he had no protest to the granting of this request of applicant as long as the same limitations were retained as in the original authority. The other protestants acquiesced in Mr. Hodgson's statement.

FINDINGS

THE COMMISSION FINDS:

That the authority sought herein should be granted.

ORDER

THE COMMISSION ORDERS:

That Martin E. Stites, of 3510 West Custer Place, Denver, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and other materials used in making up the surface of roads, from pits and supply points in the State of Colorado, to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, near Boulder, Colorado, to Rocky Mountain Arsenal, located northeast of Denver, Colorado, and to Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holm

John R. Barry

Ralph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
PAT REALE, 5840 NORTH WASHINGTON,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 9795-PP.
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

February 14, 1949

Appearances: Frank Reale, Denver, Colo-
rado, for Applicant Pat Reale;
Jones, Stockton & Small, Esqs.,
Denver, Colorado, for Britt
Truck Service and Overland
Motor Express;
Clyde J. Hodgson, Boulder,
Colorado, for Hodgson Transfer.

S T A T E M E N T

By the Commission:

The instant application was filed January 12, 1949, wherein applicant seeks authority for the transportation of coal from mines in the northern Colorado coal fields to the Z. M. Cooper Coal Company in Denver, Colorado; sand and gravel from pits and supply points within a radius of 25 miles of Denver to jobs within said area.

The matter was set for hearing, and heard February 9, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

The applicant, Pat Reale, was unable to attend the hearing, due to illness, however, his father, Mr. Frank Reale, of 5800 North Washington, Adams County, Colorado, appeared in his behalf. He gave testimony to the fact that applicant owns a 2-ton 1946 Chevrolet truck; that his net worth is approximately \$2,000.00; that he is presently engaged in farming but is desirous of hauling coal for the Z. M. Cooper Coal Company, and sand and gravel for the Midwest Sand and Gravel Company, both firms of Denver, Colorado, this hauling to be done to augment his farm income. He further stated that the applicant had no desire to furnish any service in Boulder, Clear Creek or Gilpin Counties.

Thereupon, protestants withdrew their protests.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Pat Reale, of 5840 North Washington, Adams County, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from coal fields in northern Colorado, to the Z. M. Cooper Coal Company in Denver, Colorado; sand and gravel from pits and supply points within a twenty-five-mile radius of Denver, to construction jobs within said area, excluding service in Boulder, Clear Creek and Gilpin Counties.

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

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Jeff. C. Corcoran
Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JIM STARK, 2261 SOUTH GALAPAGO)	
STREET, DENVER 10, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A)	<u>APPLICATION NO. 9790-PP.</u>
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

February 14, 1949

Appearances: Jim Stark, Denver,
Colorado, pro se;
Jones, Stockton & Small, Esqs.,
Denver, Colorado, for Britt
Truck Service;
Clyde J. Hodgson, Boulder,
Colorado, for Hodgson
Transfer.

S T A T E M E N T

By the Commission:

The instant application was filed January 14, 1949, wherein applicant seeks authority to haul sand, gravel, dirt and other road surfacing materials from pits and supply points in the State of Colorado to road and building construction jobs within a fifty mile radius of said pits and supply points; and coal from mines in the northern Colorado coal fields to Denver.

The matter was set for hearing, and heard, February 9, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, the applicant, Jim Stark, testified that he owns a 1948 1½-ton Dodge truck; that his net worth is approximately \$2,700.00; that he has been requested by the Rugby Coal Company, and several contractors, to render service. Upon cross-examination, he stated that he had had no requests for service in Boulder, Gilpin, or Clear Creek Counties, and was not desirous of authority to serve in said counties.

Protestants acquiesced in the granting of this permit, as limited, *supra*.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That Jim Stark, of 2261 South Galapago Street, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, and other road surfacing materials, from pits and supply points in the State of Colorado, to road and building construction jobs within a fifty mile radius of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Horton

John R. Barry

Joseph W. Newby
Commissioners.

Dated at Denver, Colorado,
this 14th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD BARRETT, 154 WEST BAYAUD,)
DENVER 9, COLORADO, FOR A CLASS "B") APPLICATION NO. 9792-PP.
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

February 14, 1949

Appearances: Jones, Stockton and Small, Esqs.,
Denver, Colorado, for Britt
Truck Service and Overland
Motor Express;
Clyde J. Hodgson, Boulder, Colo-
rado, for Hodgson Transfer.

S T A T E M E N T

By the Commission:

The instant application was filed January 20, 1949, set for hearing on February 9, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel at the time and place designated for hearing.

Thereupon, attorneys for protestants moved that the application be dismissed for lack of prosecution.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hogan

John P. Barry

Joseph W. Bentley
Commissioner.

Dated at Denver, Colorado,
this 14th day of February, 1949.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE PROPOSED
INCREASE IN RATES OF THE
INDIAN HILLS WATER SYSTEM
ASSOCIATION.

} INVESTIGATION AND SUSPENSION
DOCKET NO. 283.

February 15, 1949

Appearances: Dr. Samuel Towbin, Denver,
Colorado, Secretary, The
Indian Hills Water System
Association, pro se;
Morris Rifkin, Esq., Denver,
Colorado, for The Indian
Hills Water System Assoc-
iation;
Omar M. Colman, Indian Hills,
Colorado, President, The
Indian Hills Community Club,
for Protestants;
Clifford J. Wald, Indian Hills,
Colorado, for Protestants;
Henley A. Calvert, Esq., Denver,
Colorado, pro se;
W. Geo. Denny, Jr., Denver,
Colorado,
C. L. Flower, Denver, Colorado,
and
J. M. McNulty, Denver, Colorado,
of the Public Utilities Com-
mission of the State of Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On October 25, 1947, The Indian Hills Water System Assoc-
iation notified its customers under provisions of General Order No. 33,
that it had filed its application with the Public Utilities Commission
for an increase in water rates.

The increase, as filed, was for all classes of service and
would increase the rates by approximately 33%, the effective date of the
rate to be May 1, 1948, unless suspended in accordance with the provision
of the Public Utility laws of Colorado.

On March 30, 1948, a complaint was filed with the Commission by twenty-three users and ten residents of The Indian Hills Community, reciting that they "feel the increase to be exorbitant considering the length of time the water is turned on and the amount of service given each householder during the year." They requested the Commission "to make an investigation of said raise in rates."

The Commission, upon examining the annual financial reports as filed by The Indian Hills Water System Association, could not determine from the information contained in said reports whether or not an increase in rates was justified. The Commission, therefore, suspended the effective date of the rates on April 5, 1948 for 120 days, as provided by law, from May 1, 1948, until August 30, 1948. Copies of the suspension order were sent to all interested parties. A further suspension of 120 days from August 30, 1948, to December 28, 1948, was issued by the Commission on August 28, 1948, notice again being sent to all interested parties. The above suspensions were necessary for the Commission to have time to make a detailed study of the financial status of the water association.

On December 21, 1948, a notice was sent to all interested parties that the matter had been set for hearing on January 4, 1949, in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado. The hearing was held on said date and the matter taken under advisement by the Commission.

Indian Hills is a summer resort colony in the mountains about 17 miles southwest of Denver. The water system serving the area is owned and operated by The Indian Hills Water System Association, a public utility under the law. There are approximately 150 water customers on the system that receive water from May 10th to October 10th inclusive, each year. The operations on this system are of a seasonal nature, due to it being a summer colony, and also due to the fact that the water lines are laid on the surface, or very shallowly buried because of the rocky nature of the terrain. Service during the winter months is not possible under the present conditions because of the freezing of the pipes above ground, and the prohibitive cost of burying them below the frost line.

Dr. Samuel Towbin, Secretary of the Water Association, testified that the association lost money in 1946 and 1947. That the existing rates were not adequate to allow the association to make a fair return, and that the increase of approximately 33%, as filed with the Commission, was necessary in order to meet expenses and to continue operation.

Dr. Towbin further stated that the association had made additions to plant in the past year of about \$1,000.00, consisting of a chlorination system. That a maintenance man had to be hired out of Denver because there was no one in the Indian Hills colony who was competent to maintain the system; that this was an extra expense because of the driving involved to give service, but that under existing economic conditions it was practically impossible to get adequate help unless full time salary and driving expenses were furnished. He also stated that he, personally, made numerous trips to Indian Hills from Denver late at night in response to complaints, and that he had not billed the association for his time or expenses.

Mr. Colman testified on behalf of himself, and as President of The Indian Hills Community Club. His complaint was that the service was poor and that the water was not up to standard as tested by the Board of Health, prior to the installation of the chlorinators.

The annual reports of the Water Association, filed with the Commission, from 1940 to 1947, show a net loss to the association in every year except 1945. Dr. Towbin has also furnished the Commission, upon request, his balance sheet and income and expense statement for the Year 1948. The latter statement also shows a net loss in the operation for the Year 1948.

The proposed rate schedule, as filed with the Commission, shows increases for the various classes of service varying from 25% to 35%. However, from the schedule, as filed, we are unable to determine how the Water Association determines incremental charges under its sliding scale of rates. As an example, the proposed rate for a,

"Restaurant flat rate service for season, \$15.20 to \$61.00."

We are not able to determine what rate a particular restaurant would be charged. We do not see how this rate can be applied equitably unless there are some defining clauses in the rate to show the gradation between kinds or sizes of restaurants. We believe the rate as filed would permit the association to make an arbitrary charge and that the customer would be without a formula to determine his particular rate. The above example is only one of several classes of service in the proposed rate schedule that need clarification.

We see no justification, after careful study, for the discrimination between classes of service whereby one class is increased 25% while another is increased 35%. Dr. Towbin stated the average increase was approximately 33%. We believe the increase should be the same to all classes of customers, and that the increase should be exactly 33%.

FINDINGS

THE COMMISSION FINDS:

That public convenience and necessity require that The Indian Hills Water System Association be permitted to increase its water rates for all unmetered flat rate users 33% over and above its presently established rate schedule now on file with the Commission.

That a new rate schedule be filed showing these increases, and further, that the new rate schedule be clarified in such a manner as to show how incremental charges are determined under the sliding scale of rates.

ORDER

THE COMMISSION ORDERS:

That applicant, The Indian Hills Water System Association, be, and it is hereby, authorized to increase its water rates for all unmetered flat rate users, 33% over and above its presently established rate schedule now on file with the Commission, said increase in rates to become effective May 1, 1949.


That the new rate schedule be clarified in such a manner as to show how incremental charges are determined under the sliding scale of rates.

That applicant set up its books and accounts in agreement with the Uniform System of Accounts for Water Utilities adopted by this Commission, effective January 1, 1916, Revised April 1, 1920.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Horton
John R. Barry
Joseph C. Hawley
Commissioner.

Dated at Denver, Colorado,
this 15th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. S. LOSER, 354 JEFFERSON STREET,)
MONTE VISTA, COLORADO, FOR A CLASS) APPLICATION NO. 9821-PP.
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

February 15, 1949

S T A T E M E N T

By the Commission:

On February 8, 1949, applicant herein filed application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of trash and garbage between points within the City of Monte Vista, Colorado, and trash dumps located within a two-mile radius of the City of Monte Vista, Colorado.

Inasmuch as the City of Monte Vista is a home-ruled city, over which the Commission has no jurisdiction, and the service to be rendered is for trash and garbage to be delivered to dumps located outside of the city, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to the granting thereof, the Commission determined, forthwith, to hear, and has heard, said matter, upon the records and files herein, without formal notice.

The files and records disclose that applicant has a contract with the City of Monte Vista to haul its trash and garbage to trash dumps located beyond the city limits, and is to be paid a monthly salary for said service, and it further appears that applicant does not intend to serve customers other than the City of Monte Vista.

It further appears that applicant is fit, willing, and able to perform the aforementioned service properly, and to conform to the provisions of the Carrier Acts, rules, regulations, and requirements thereunder.

F I N D I N G S

THE COMMISSION FINDS:

That the application, as hereinafter limited, is in the public interest, and will not tend to impair the efficiency of any motor vehicle common carrier service now authorized to serve, and should be granted.

O R D E R

THE COMMISSION ORDERS:

That R. S. Lower, Monte Vista, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of trash and garbage from the City of Monte Vista, Colorado, on the one hand, and to points and places within a five-mile radius of Monte Vista, on the other hand.

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

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John R. Barry
Joseph W. Hecox
Commissioners.

Dated at Denver, Colorado,
this 15th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. S. LOSER, 354 JEFFERSON STREET,)
MONTE VISTA, COLORADO, FOR A CLASS) APPLICATION NO. 9821-PP.
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

February 15, 1949

S T A T E M E N T

By the Commission:

On February 8, 1949, applicant herein filed application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of trash and garbage between points within the City of Monte Vista, Colorado, and trash dumps located within a two-mile radius of the City of Monte Vista, Colorado.

Inasmuch as the City of Monte Vista is a home-ruled city, over which the Commission has no jurisdiction, and the service to be rendered is for trash and garbage to be delivered to dumps located outside of the city, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to the granting thereof, the Commission determined, forthwith, to hear, and has heard, said matter, upon the records and files herein, without formal notice.

The files and records disclose that applicant has a contract with the City of Monte Vista to haul its trash and garbage to trash dumps located beyond the city limits, and is to be paid a monthly salary for said service, and it further appears that applicant does not intend to serve customers other than the City of Monte Vista.

It further appears that applicant is fit, willing, and able to perform the aforementioned service properly, and to conform to the provisions of the Carrier Acts, rules, regulations, and requirements thereunder.

F I N D I N G S

THE COMMISSION FINDS:

That the application, as hereinafter limited, is in the public interest, and will not tend to impair the efficiency of any motor vehicle common carrier service now authorized to serve, and should be granted.

O R D E R

THE COMMISSION ORDERS:

That R. S. Lower, Monte Vista, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of trash and garbage from the City of Monte Vista, Colorado, on the one hand, and to points and places within a five-mile radius of Monte Vista, on the other hand.

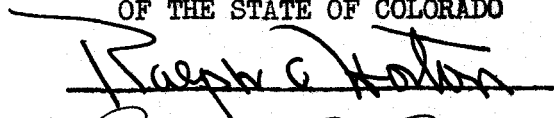
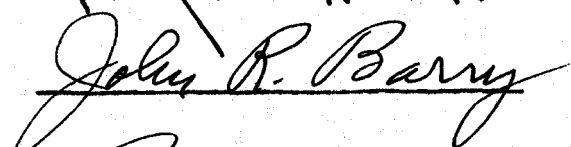

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 15th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIM M. FUNK, WRAY, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 9755-PP.
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

February 29, 1949

Appearances: Jim M. Funk, Wray, Colorado,
pro se;
Marion F. Jones, Esq., Denver,
Colorado, for Yuma County
Transportation Company.

S T A T E M E N T

By the Commission:

On November 29, 1948, applicant herein filed application to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk between points along U. S. Highway No. 34, a distance of fifteen miles along said highway, from point where U. S. Highway No. 34 crosses Colorado-Nebraska State Line to Washington-Morgan County Line, for delivery to creamery at Brush, Colorado, with back-haul of empty cans.

The matter was set for hearing, and heard, February 8, 1949, at Sterling, Colorado, where the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant resides in Wray, Colorado, owns and operates a one and ~~one~~-half-ton Reo truck, equipped with van body, and has a net worth of approximately \$7,000.00; that he applied to this Commission for a private carrier permit, and to the Enforcement Division of the Commission for temporary authority, to haul milk from the territory heretofore described to the McLagan Creamery, at Brush, Colorado.

Applicant further stated that he solicited farmers upon his proposed route -- some located on U. S. Highway No. 34, and some a mile or so distant from the highway -- and is now delivering to the creamery at Brush some forty cans of milk daily, and he stated that in his judgment, he feels he will be able to increase his load to seventy cans a day.

John McLagan, one of the owners of the creamery at Brush, stated he was familiar with applicant's proposed operation, and that the operation is needed by the milk producers residing along Highway No. 34, and his creamery. On cross-examination, he stated it made no difference who furnished the service, so long as the service was available.

Paul Hickman, of Yuma County Transportation Company, protesting the granting of the instant application, stated that he has authority to render this transportation service under his PUC No. 1066, which authorizes:

Transportation, on call and demand, only, of
(a) livestock between points in the area bounded by the Colorado-Nebraska-Kansas State Line on the east, the East Washington County Line on the west, and extending twenty miles south and twenty-five miles north of Wray; (b) livestock from and to points in said area, to and from points in Colorado; (c) farm products, (except livestock) from point to point in said area, and from farms in said area to market points in Colorado; (d) used farm machinery and equipment (including used household goods and used furniture when moved in connection with farmers' effects) from farm to farm in said area, and from and to farms in said area, to and from other points in the State; (e) stock feeds, salt, fence posts, wire, building material, and general farm supplies, from Yuma to farms in said area; (f) cement from Boettcher and plaster from LaPorte to points in said area; he not to transport, as a private carrier under Permit No. A-339 and A-543, the commodities, or any of them, which he is authorized to transport under this certificate, and he not to combine, directly or indirectly, operations under Permits Nos. A-339, A-339-I, A-543 and A-543-I with operations under this certificate, and shall not engage in business as a common carrier and private carrier over the same route at the same time.

Extended to include the right to operate on the west, a distance of six miles from original western boundary line, and to include the right to transport household goods, including store and office fixtures and furniture, between points within the area now authorized to be served, including the six-mile extension granted, and points east of U. S. Highway No. 85; provided, however, there shall be no service for said commodities on U. S. Highway No. 85, nor west thereof, nor between towns on U. S. Highway No. 34 and Denver and intermediate points;

transportation of freight between Akron and Sterling and intermediate points.

freight between Sterling, Otis, Yuma, Eckley, Wray, and intermediate points.

freight from Akron to Denver, and from Denver to Akron, but not between any intermediate points.

freight between Denver, Colorado, and Wray, Colorado.

freight between Denver, Sterling, Akron, and Wray, Colorado, and the Colorado-Nebraska State Line where State Highway No. 54 east of Wray crosses the same, and from intermediate points and said line in interstate commerce.

freight in intrastate commerce between the City of Denver and the Towns of Otis, Yuma, and Eckley and between Brush, Colorado, and all points east thereof, on U. S. Highway No. 34 (which is through Akron and Wray).

The Commission has carefully examined the protestant's authority and it appears to the Commission that protestant ~~does~~ not have sufficient authority to give the service proposed by applicant.

Assuming, however, that the Commission is wrong, and that protestant is authorized to give this service, what does the record disclose? Applicant has built up a business by contacting farmers and the creamery in Brush, thereby creating a market for milk and cream, and by the instant application is offering a delivery service to the creamery that McLagan stated is needed by the public.

Section 3, Chapter 120, S. L. 1931, as amended, provides:

"No application for permit, nor for any extension, or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

From this, it would appear that the Act makes it incumbent upon the Commission to consider two primary findings of fact before permit can be granted:

First, "Is there a duly authorized motor vehicle common carrier then adequately serving the same territory over the same general route or routes?" The Commission, in the past, has taken the view that if this fact can be established, then the question of impairment does not arise. Considering the record before us, we cannot say that the presently-authorized

carriers are adequately serving the territory sought to be served in the application, when protestant stated that it has been two or three years since his operation carried any milk. If this service was adequate, surely he would have hauled some milk in the past two years, and it is apparent there must be some reason, and the Commission, we feel, can safely assume that the customers or farmers dealing in milk did not deem the service offered adequate for their needs in transporting milk to the creamery in Brush.

Second, "Will the proposed operation of applicant impair the efficient public service of the motor vehicle common carrier operation of protestant or other common carriers who may be serving the area?" Protestant gave no figures on loss of revenue, nor any evidence that he will not be able to continue his present efficient operation if the above permit is granted. In fact, if we understand his evidence correctly, he has not handled milk shipments for two or three years, and those only in isolated instances. In fact, he does not have proper equipment for handling milk in cans from the farms to the creamery. The proof of impairment of service is one that peculiarly rests on the shoulders of protestant.

F I N D I N G S

Upon the record as made, and after careful consideration thereof, the Commission is of the opinion, and finds, that it did not appear from the evidence that the granting of the instant application will impair the efficiency of existing common carrier motor vehicle services now operating in the area sought to be served by applicant, if any there be, and that the Statement preceding shall be incorporated by reference as a part of these Findings, and that said permit should be granted.

O R D E R

THE COMMISSION ORDERS:

That Jim M. Funk, Wray, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk along U. S. Highway No. 34 for a distance of fifteen miles on either side of said highway, from the point where it intersects the

Colorado-Nebraska State Line, to the Washington-Morgan County Line, to be hauled to the McLagan Creamery, at Brush, Colorado, with back-haul of empty cans.

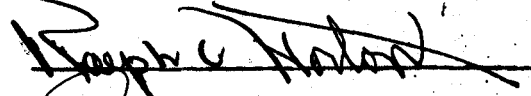
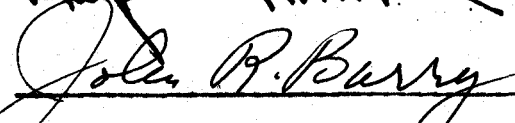
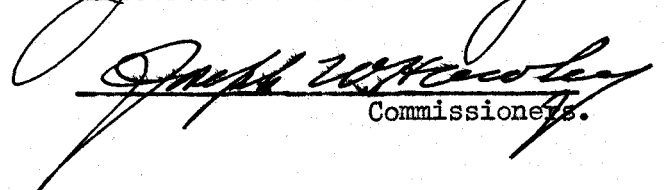
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R. A. GRAVES CONCRETE AND CEMENT)	
WORKS, 330 SOUTH AMES, DENVER 14,)	
COLORADO, FOR A CLASS "B" PERMIT)	<u>APPLICATION NO. 9791-PP.</u>
TO OPERATE AS A PRIVATE CARRIER)	
BY MOTOR VEHICLE FOR HIRE.)	
-----)	

February 15, 1949

Appearances: Jones, Stockton & Small, Esqs.,
Denver, Colorado, for Britt
Truck Service and Overland
Motor Express;
Clyde Hodgson, Boulder, Colo-
rado, for Hodgson Transfer.

S T A T E M E N T

By the Commission:

The instant application was filed January 7, 1949, wherein applicant seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, and cement from pits and supply points within a radius of 25 miles of Denver, Colorado, to jobs in said area.

The matter was set for hearing, after due notice to all parties in interest, on February 9, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado,

Shortly before the application was called up for hearing, the Commission received a communication from applicant stating that it would be impossible to arrive at the Hearing Room at the time designated, and requested that hearing on this application be reset at some future time convenient to the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the request of applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That the hearing herein be, and the same is hereby, vacated,

subject to the application being reset for hearing at some future date
that shall meet the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Nelson
John R. Barry
Joseph C. Newberry
Commissioners.

Dated at Denver, Colorado,
this 15th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

✱ ✱ ✱

IN THE MATTER OF THE APPLICATION OF
R. L. SCOTT, HAXTUN, COLORADO, FOR
AUTHORITY TO EXTEND OPERATIONS UNDER
PERMIT NO. A-587.

APPLICATION NO. 9759-PP-Extension

February 17, 1949

Appearances: R. L. Scott, Haxtum,
Colorado, pro se;
M. F. Jones, Esq., Denver,
Colorado, for Sorenson
Truck Service.

S T A T E M E N T

By the Commission:

R. L. ~~Scott~~, applicant herein, is the owner of Permit No. A-587, which authorizes the following:

transportation of freight between Holyoke and Denver and intermediate points, over U. S. Highway No. 85, and via short-cut over Colorado Highway No. 81.

On December 10, 1948, applicant filed application for an extension of said permit to include the right to transport general commodities between points within a radius of five miles of Fort Collins, Colorado, and Haxtun, Colorado; also between points within a radius of five miles of Loveland, Colorado, and Haxtun, Colorado.

The matter was set for hearing, and heard, at the Court House, in Sterling, Colorado, February 8, 1949, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has numerous requests from customers he now serves to haul cement and plaster, cement and plaster products, from cement and plaster mills, located at or near Fort Collins and Loveland, to Haxtun, Colorado; also numerous requests to haul household furniture between the above points, and he stated he is willing to confine his extended operations to transportation of cement and plaster products and household furniture.

Protestant, Sorenson Truck Line, withdrew all protest to the granting of the extension, as now amended by the evidence.

It further appeared that applicant is fit, willing, and able to perform the aforementioned transportation service properly, and to conform to the provisions of the Carrier Acts, rules, regulations, and requirements thereunder.

F I N D I N G S

Upon the record as made, and after careful consideration thereof, the Commission is of the opinion, and finds, that the application, as herein-after limited, should be granted, and the Commission further finds that it did not appear from the evidence that the granting of the proposed extension of this permit will impair the efficiency of existing common carrier motor vehicle services now operating in the area sought to be served by applicant.

O R D E R

THE COMMISSION ORDERS:

That R. L. Scott, Haxtun, Colorado, be, and he hereby is, authorized to extend operations under Permit No. A-587 to include the right to transport cement and plaster products and household furniture, between Haxtun, Colorado, on the one hand, and points and places in Fort Collins, Colorado, and a five-mile radius of Fort Collins, Colorado, and points and places in Loveland, Colorado, and a five-mile radius of Loveland, Colorado, on the other hand.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hanna

John R. Barry

Joseph W. McCoy
Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THERON B. HOOKER, 380 NORTH SIXTH
STREET, BRIGHTON, COLORADO, FOR THE
REISSUANCE OF PERMIT NO. B-2762.

APPLICATION NO. 9691-PP
REISSUE

February 17, 1949

Appearances: Theron B. Hooker, Brighton,
Colorado, pro se;
E. B. Evans, Esq., Denver,
Colorado, for Airline
Express, Inc. and
Rein Milk Transport;
Clyde Hodgson, Boulder,
Colorado, for Hodgson
Transportation Co.;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company.

S T A T E M E N T

By the Commission:

By this application, Theron B. Hooker, Brighton, Colorado, asks for the reissuance of Permit No. B-2762, granted by our Decision No. 19004, of date June 9, 1942, under application No. 5800-PP, and now seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; farm products from points within a fifty-mile radius of Brighton, Colorado, to mills, elevators, and farms within said radius; coal from mines in the Northern Colorado coal fields to Denver and Brighton, to the Valmont Plant of the Public Service Company located near Boulder, Colorado, to the Great Western Sugar Company's factories near Longmont, Loveland, Boulder, Greeley, Brighton, and Johnstown, to the Rocky Mountain Arsenal located near Denver; wood from points within a hundred-mile radius of Brighton, to Brighton; wet and dried beet pulp from sugar mills and dryers to farms within a radius of fifty miles of Brighton; and beet samples from farms in the above area to sugar mills in said area.

The records of the Commission show that applicant holds Permit No. C-10620. On June 9, 1942, he was authorized by Decision No. 19004 to operate as a Class "B" private carrier by motor vehicle for hire, and his permit was assigned No. B-2762. At the request of applicant, this permit was suspended for a period of six months from February 21, 1943, under our Decision No. 20548, of date March 11, 1943, and it was therein provided that unless applicant should, prior to the expiration of such suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, should be revoked, without the right to reinstate. The period of suspension ended on August 21, 1943, and no request was made for reinstatement of the permit, no insurance was filed, and on August 21, 1943, said permit stood revoked, without the right to reinstate.

While the instant application is made for the reissuance of Permit No. B-2762, it must be considered as an original application, without reference to the former permit.

The application, after due notice to all parties in interest, was set for hearing, and heard, at the Hearing Room of the Commission in Denver, Colorado, on December 17, 1948.

At the hearing, applicant testified that his equipment consisted of a 1940 Ford truck, $1\frac{1}{2}$ -ton capacity, and that he has been hauling sand, gravel, and building materials under his "C" permit, and has demands for additional service. He agreed that building materials could be eliminated from his application, reserving the privilege of filing an amended application for the transportation of those commodities. He also agreed to exclude Boulder, Clear Creek, and Gilpin Counties from any authority granted, and to eliminate transportation of farm produce from town to town on U. S. Highway 85. He produced no prospective customers or shippers who desired his services.

Fred Rein, Jr., doing business as Rein Milk Transport, testi-

fied that he was the owner of PUC-454, with common carrier authority within a radius of fifty miles of Brighton, Colorado, for the transportation of all commodities, and objected to the issue of authority to applicant for the transportation of farm products, but stated that he had no interest in sand, gravel, and coal hauls.

At the close of the testimony, Mr. E. B. Evans, as attorney for Fred Rein, Jr., doing business as Rein Milk Transport, interposed a motion that the application should be dismissed for lack of corroborating evidence, or any evidence, from shippers or prospective customers.

From the evidence, it appears that applicant has produced no testimony that would justify this Commission in granting any authority other than authority for the transportation of sand, gravel, and other materials used in making up the surface of the roads, and coal from mines in the Northern Colorado coal fields to Denver, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That authority should be granted to applicant only as limited in the following order, and that the motion of protestant, Fred Rein, Jr., that the application be ~~denied~~ in all other particulars, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Theron B. Hooker, 380 North Sixth Street, Brighton, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; and coal from the Northern Colorado coal fields to Denver, Colorado.

That, in all other particulars, the instant application be, and the same hereby is, denied.

That the authority above granted shall be assigned a new number, and that Permit No. B-2762 shall remain cancelled and revoked.

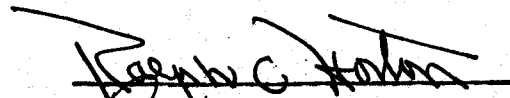
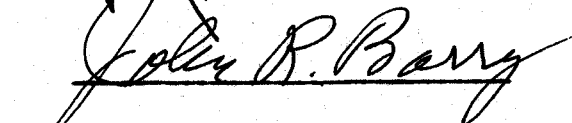

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 17th day of February, 1949.

EHC

(Decision No. 32186

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. M. STAGE AND KENNETH TRENBERTH,)
CO-PARTNERS, DOING BUSINESS AS "BOB)
STAGE TRANSPORTATION COMPANY," 1933)
WEST COLFAX AVENUE, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NOS.)
1865 AND 1865-I TO KENNETH TRENBERTH,)
DOING BUSINESS AS "CLEAR CREEK TRANS-)
PORTATION COMPANY," IDAHO SPRINGS,)
COLORADO.)

APPLICATION NO. 9822-TRANSFER

February 18, 1949

S T A T E M E N T

By the Commission:

By decision No. 31359, as amended by Decision No. 31593, of date November 30, 1948, E. M. Stage and Kenneth Trenberth, co-partners, doing business as "Bob Stage Transportation Company," Denver, Colorado, acquired certain operating rights from George A. Sumner and Frank E. Brown, co-partners, doing business as "Nelson Truck Line," said authority being designated "PUC No. 1865 and No. 1865-I."

By the instant application, said certificate holders seek authority to transfer said operating rights to Kenneth Trenberth, doing business as "Clear Creek Transportation Company," Idaho Springs, Colorado, said E. M. Stage being desirous of withdrawing from said partnership.

Attached to said application is a statement as follows:

"It is the desire of both partners to cancel that portion of the permit Bergen Park and intermediate points between Denver, so that it will be possible for E. M. Stage to apply for this authority without prejudice."

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that road tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said operation; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

That amendment of authority requested by applicants should be made.

O R D E R

THE COMMISSION ORDERS:

That E. M. Stage be, and he hereby is, authorized to withdraw from partnership of E. M. Stage and Kenneth Trenberth, doing business as "Bob Stage Transportation Company," and said E. M. Stage and Kenneth Trenberth, co-partners, doing business as "Bob Stage Transportation Company, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC-1865 and 1865-I -- being the operating rights acquired by them pursuant to authority contained in Decision No. 31359, as amended by Decision No. 31593 -- to Kenneth Trenberth, doing business as "Clear Creek Transportation Company," Idaho Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate up to the time of the transfer of said certificate, and the payment by them or transferee of all unpaid road tax.

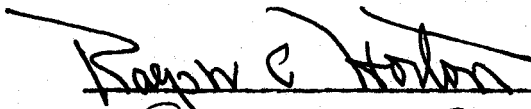
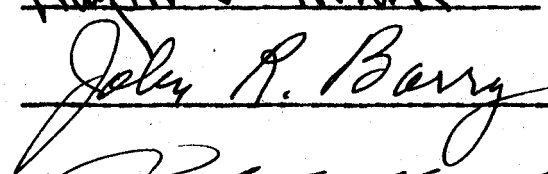

As to the interstate authority to transfer granted herein, the same is subject to the provisions of the Federal Motor Carrier Act of 1935.

The authority under PUC No. 1865 be, and it hereby is, limited and amended, by striking therefrom the right to serve between Bergen Park, Colorado, and Denver, Colorado, and intermediate points.

That road tax deposit of transferors be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of February, 1949.

bf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOUIS C. BEREND, ROUTE 4, BOX 393,)
GOLDEN, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 9799

February 18, 1949

Appearances: George G. Priest, Esq., Lakewood,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On January 19, 1949, Louis C. Berend, Golden, Colorado, filed his application for a certificate of public convenience and necessity, authorizing the transportation of garbage and trash from the following described territory: Extending from the line commonly designated as the center line of Kipling Street, which line is the most easterly boundary line of said area, to a line one mile east of the City of Golden, which said line is the most westerly boundary line of the area, and extending from a line three hundred feet north of and paralleling West Twenty-sixth Avenue, which last said line is the most northerly boundary line of the area, to a line two thousand feet south of and paralleling West Alameda Avenue, which line is the most southerly boundary line of the area, which area consists of approximately seventeen square miles, being approximately five and one-half miles between the east and west boundary lines, and three and one-half miles between the north and south boundary lines, on the one hand, and dumps and disposal places located in Jefferson County, on the other hand.

The matter was set for hearing, and heard, February 11, 1949, at 330 State Office Building, Denver, Colorado, and at the conclusion of said hearing the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has a net worth of approximately \$5,000.00, is the owner of a one and one-half-ton Chevrolet Truck, which he stated, if granted authority, he will equip with steel body, so as to be able to conform to the rules and regulations of the Tri-County Health Department.

Several witnesses appeared from the territory applicant wishes to serve, stating applicant's proposed service is badly needed, and that they were present at the hearing asking that his proposed service be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That present and future public convenience and necessity require, and will require, the proposed common carrier service of applicant, by motor vehicle for hire, for the transportation of trash and garbage between points as set out in the application, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier service of applicant, by motor vehicle for hire, for the transportation of garbage and trash from points in the following-described territory:

Extending from the line commonly designated as the center line of Kipling Street, which line is the most easterly boundary line of said area, to a line one mile east of the City of Golden, which said line is the most westerly boundary line of the area, and extending from a line three hundred feet north of and paralleling North Twenty-sixth Avenue, which last said line is the most northerly boundary line of the area, to a line two thousand feet south of and paralleling West Alameda Avenue, which said line is the most southerly boundary line of the area, which area consists of approximately seventeen square miles, being approximately five and one-half miles between the east and west boundary lines, and three and one-half miles between the north and south boundary lines,

on the one hand, and dumps and disposal places located in Jefferson County, Colorado, on the other hand; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

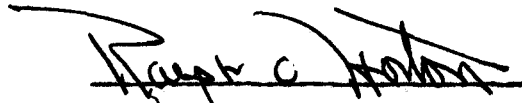
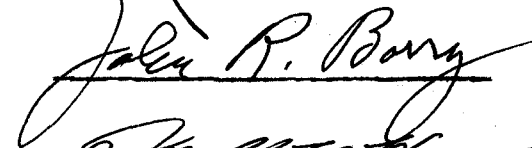

That applicant shall file tariffs of rates, rules, and regulations and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 18th day of February, 1949.

EHC

(Decision No. 32188)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GENE SIMPSON, DOING BUSINESS AS)
"PIPE LINE WELDING," 2691 KRAMERIA)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 9797-PP

February 18, 1949

Appearances: A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Stor-
age Company;
Glyde Hodgson, Boulder, Colorado,
for Hodgson Transfer;
Fred Rein, Denver, Colorado, for
Rein Milk Transport.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at Denver, Colorado, February 11, 1949, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution.

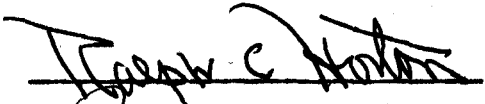
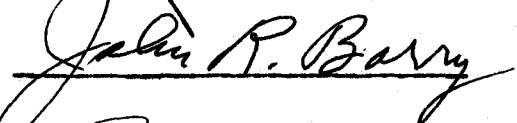
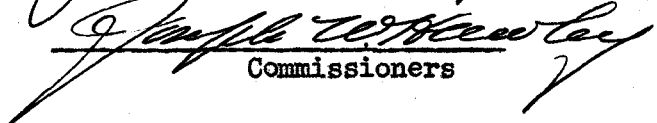
O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is,
dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 18th day of February, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
MERLE CARLSON, PARKER, COLORADO,
FOR AUTHORITY TO TRANSFER PUC NO.
1556 TO HAROLD CHERME, DOING BUSI-
NESS AS "DENVER-PARKER TRUCK LINE,"
PARKER, COLORADO.

APPLICATION NO. 9804-Transfer

February 18, 1949

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

S T A T E M E N T

By the Commission:

Merle Carlson, Parker, Colorado, owner and operator of PUC No.
1556, authorizing the transportation of:

milk and cream to Denver from the territory
described as follows:

beginning at the city limits of the City and
County of Denver at a point which intersects
said city limits one mile east of the Denver-
Parker Highway; thence along the line parallel-
ing said highway at a distance of one mile east
thereof to a point where said line would inter-
sect the north section line of Section 3, Town-
ship 6-South, Range 66-West; thence east to the
northeast corner of Section 1, Township 6-South,
Range 66-West; thence one mile south to the
southeast corner of said Section 1; thence
southwesterly to the southwest corner of Sec-
tion 28, Township 6-South, Range 66-West;
thence northwesterly to the northwest corner
of Section 3, Township 6-South, Range 67-West;
thence one mile more or less to the southwest
corner of Section 35, Township 5-South, Range
67-West; thence north five miles to the north-
west corner of Section 11, Township 5-South,
Range 67-West; thence west one mile; thence
north one mile; thence west one mile to the
southwest corner of Section 23, Township 4-
South, Range 67-West; thence north two miles
more or less to the channel of Cherry Creek;
thence northwesterly along the channel of
Cherry Creek to the City Limits of the City
and County of Denver,

herein seeks authority to transfer said operating rights (PUC No. 1556) to Harold Cherme, doing business as "Denver-Parker Truck Line," Parker, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at Denver, Colorado, February 14, 1949, and was there taken under advisement.

At the hearing, it appeared that the consideration for transfer of said operating rights and certain equipment is the sum of Nine Thousand Dollars (\$9,000.00); that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation, his networth being \$4,900.00.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Merle Carlson, Parker, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1556 to Harold Cherme, doing business as "Denver-Parker Truck Line," Parker, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

4
That ton-mile tax deposit of transferor be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John R. Barry
Joseph C. Haddock
Commissioners

Dated at Denver, Colorado,
this 18th day of February, 1949.

mw



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
BARRETT Y. BROWN, FORT LUPTON, COLO- }
RADO, FOR AUTHORITY TO TRANSFER PER- }
MIT NO. A-568 TO TOM YANAGA, ROUTE }
1, FORT LUPTON, COLORADO. }

APPLICATION NO. 9802-PF-Transfer

February 18, 1949

Appearances: Barrett Y. Brown, Fort Lupton,
Colorado, pro se;
Tom Yanaga, Fort Lupton, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

On November 13, 1934, Mrs. T. V. Mayfield became the owner of Permit No. A-568, with authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

milk and dairy products to Fort Lupton, Colorado, from all of Sections 1, 2, 3, 10, 11 and 12, in Township 1-North, Range 67-West; Sections 6 and 7 in Township 1-North, Range 66-West; Sections 34, 35, and 36, in Township 2-North, Range 67-West; Section 31 in Township 2-North, Range 66-West.

Pursuant to authority contained in Decision No. 26356, of date August 12, 1946, said permit-holder transferred said Permit No. A-568 to Barrett Y. Brown, Fort Lupton, Colorado, who, by the instant application, seeks authority to transfer said operating rights to Tom Yanaga, Fort Lupton, Colorado.

Said application, pursuant to prior setting, after appropriate notice, was heard in Denver, Colorado, February 14, 1949, and was there taken under advisement.

At the hearing, it appeared that the consideration for transfer of Permit No. A-568 is the sum of Fifty-Five Dollars (\$55.00); that road tax has been paid; that ton-mile tax deposit is to be transferred to ac-

count of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation, his net worth being \$11,400.00.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Barrett Y. Brown, Fort Lupton, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-568 -- being the operating rights acquired by him pursuant to authority contained in Decision No. 26356 -- to Tam Yanaga, Fort Lupton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon compliance with all 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 permit up to the time of transfer of said permit, and payment by him or transferee of all unpaid ton-mile tax.


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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 18th day of February, 1949.
MW


Ralph C. Holton
John R. Barry
Joseph W. Hensley
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEAMON RESLER AND JOE A. KING, JR.,)
DOING BUSINESS AS "RESLER TRUCK)
LINE," 1420 38TH STREET, DENVER,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 9221

February 18, 1949

Appearances: E. B. Evans, Esq., Denver,
Colorado, for Joe A. King.

S T A T E M E N T

By the Commission:

On December 16, 1948, the Commission entered its Decision No. 31709, denying Application No. 9221.

On January 4, 1949, before the effective date of said order, applicants filed application for rehearing herein, and requested fifteen days within which to file brief in support thereof.

On February 11, 1949, Joe A. King, Jr., one of the applicants above named, filed application before the Commission, stating that he is now the sole owner of Private Carrier Permit No. A-494, and that he is conducting operations under said permit, and that he desires that said above-entitled application be dismissed.

Inasmuch as the present owner of Permit No. A-494, and one of the applicants in the instant matter, asks for a dismissal, the Commission can see no good reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That Application No. 9221 should be dismissed for the reasons heretofore set forth in the Statement preceding, which is made part of

these Findings, by reference.

O R D E R

THE COMMISSION ORDERS:

That Application No. 9221 be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John P. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 18th day of February, 1949.

mw



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
SCOTT R. MC CORMICK AND W. A.
FOWLER, CO-PARTNERS, IMPERIAL HOTEL,
COLORADO SPRINGS, COLORADO, FOR
AUTHORITY TO TRANSFER PUC NO. 1503
TO W. A. FOWLER, IMPERIAL HOTEL,
COLORADO SPRINGS, COLORADO.

APPLICATION NO. 9818-Transfer

February 18, 1949

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 26291, Ray W. Brown, Jewell Irene Brown, Scott R. McCormick, and W. A. Fowler, Colorado Springs, Colorado, acquired PUC No. 1503.

Pursuant to authority contained in Decision No. 28451, of date June 18, 1947, said certificate-holders transferred said operating rights to Scott R. McCormick and W. A. Fowler, co-partners, doing business as "McCormick & Fowler," Colorado Springs, Colorado, who, by the instant application, seek authority to transfer PUC No. 1503 to W. A. Fowler -- said Scott R. McCormick being desirous of withdrawing from said partnership.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that passenger-mile tax deposit is to be transferred to account of transferee; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation; that there are no outstanding unpaid operating obligations against said certificate, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said certificate,

1

the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Scott R. McCormick be, and he hereby is, authorized to withdraw from partnership of Scott R. McCormick and W. A. Fowler, doing business as "McCormick & Fowler," and said Scott R. McCormick and W. A. Fowler, co-partners, doing business as "McCormick and Fowler," be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1503 -- being the operating rights acquired by them pursuant to authority contained in Decision No. 28451 -- to W. A. Fowler, Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate, and payment by him or transferee of all unpaid passenger-mile tax.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 18th day of February, 1949.
MW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
MORRIS HENRY, 829 NORTH AVENUE,
GRAND JUNCTION, COLORADO, FOR RE-
ISSUANCE OF PERMIT NO. B-1282.

APPLICATION NO. 9681-PP

IN THE MATTER OF THE APPLICATION OF
MORRIS HENRY, 829 NORTH AVENUE,
GRAND JUNCTION, COLORADO, FOR AUTH-
ORITY TO TRANSFER PERMIT B-1282
WHEN REISSUED TO RAYMOND P. WOOD,
DBA WOOD VAN AND STORAGE COMPANY,
657 SOUTH SEVENTH STREET, GRAND
JUNCTION, COLORADO.

APPLICATION NO. 9778-PP-Transfer.

February 15, 1949

S T A T E M E N T

By the Commission:

On May 18, 1948, applicant herein filed application for reissuance of Permit B-1282, and on December 30, 1948, filed an application to transfer said permit, when reissued, to Raymond P. Wood, doing business as Wood Van & Storage Company, of Grand Junction, Colorado.

These matters were set down for hearing before the Commission on February 28, 1949, at Grand Junction, Colorado.

The Commission is now in receipt of a communication from the attorney for said applicant, requesting that hearings in both applications be vacated, and that said applications be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearings in the above-styled applications, set for February 28, 1949, at Grand Junction, Colorado, be vacated, and that said

applications be, and the same hereby are, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton

John R. Barry

Joseph C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 15th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. E. FARRINGTON AND R. E. FARRING-)
TON, JR., DOING BUSINESS AS "YAMPA) APPLICATION NO. 9654 - EXTENSION
TRANSFER," YAMPA, COLORADO, FOR AN)
EXTENSION OF PUC NO. 881.)

February 18, 1949

Appearances: F. P. O'Neill, Esq., Symes
Building, Denver, Colorado,
for applicant;
J. Fred Schneider, Esq., Denver,
Colorado, for Grand County
Transportation Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Otis Gibson, Esq., Denver, Colo-
rado, for Rio Grande Western
Railroad Company, Larson Trans-
portation Company;
Jones and Stauffer, Esqs., Denver,
Colorado, for Hugh B. Brown.

S T A T E M E N T

By the Commission:

By Application No. 9654, Extension, R. E. Farrington and R. E. Farrington, Jr., doing business as "Yampa Transfer," seek authority to extend their operations under PUC No. 881 to include the right to transport general commodities between the town of Yampa, Colorado, and an area of twenty-five miles thereof on the one hand and, on the other, Denver, Colorado.

Operating rights under PUC-881 are as follows:

Transportation of freight, including farm products, from ranches within a radius of 25 miles of Yampa, to shipping points in said area, and grain to mill and elevator at Steamboat Springs, with back-haul of farm supplies, including feed, coal, lumber and timber; farm equipment and used household goods from point to point within said area; livestock from point to point within said area and from points in said

area in less than carload lots, to Denver; and breeding stock in less than carload lots, from and to points in said area, to and from all points in the State of Colorado, as required by customers residing in the area; livestock only in less than carload lots from and to points within a radius of 25 miles of Yampa, to and from points in the State of Colorado.

Said matter was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, pursuant to prior setting and after appropriate notice to all parties in interest, on November 19, 1948, and there taken under advisement.

The Commission's files relating to said PUC-881, as well as the ton-mile record, were made a part of the instant record at the request of applicants, no objections appearing. From this record, it appears that all right, title, and interest of the former owners in and to PUC-881 were transferred to the applicants by Decision No. 25906, of date May 7, 1946. Application for such transfer had been filed on January 16, 1946, and on the same date these applicants, as prospective transferees, filed an application, No. 2827-BAB, for extension of authority almost identical with the instant application. Hearing was held in Steamboat Springs, Colorado, on April 10, 1946, and by Decision No. 26801, of date October 4, 1946, said application was denied. A similar application, No. 9176, was filed on February 24, 1948, and regularly set for hearing at Steamboat Springs, Colorado, for April 28, 1948, at which time and place applicants failed to appear, either in person or by counsel, and the application was dismissed for lack of prosecution. The instant application was filed on October 15, 1948.

At the hearing of the instant application, R. E. Farrington testified that applicants owned four trucks -- a 1941 Chevrolet, 1½-ton, a 1942 Chevrolet, 1½-ton, a 1942 International, 2-ton, and a 1948 GMC 2½-ton -- all with stock beds. The GMC truck is the only addition to their equipment since the former hearing. The partnership consists of father and son, and the former has been engaged in the trucking business for himself or the partnership since 1931, and estimated his net worth as between \$10,000. and \$12,000.

Applicants maintain their call and demand services with headquarters at Yampa, which is located about thirty miles south of Steamboat Springs on State Highway No. 131. Yampa, and points intermediate between Denver and Yampa, are served by Larson Transportation Company, a line haul carrier operating on schedule, with headquarters at Steamboat Springs and Denver. One Hugh B. Brown, a private carrier, operates south from Yampa on State Highway No. 131, as far as Toponas, and thence via State Highway No. 84 and U. S. Highway No. 40 into Denver. Larson Transportation Company (hereinafter referred to as "Larson") has authority to operate over the same route, but as a general rule, instead of operating via Gore Pass, operates over U. S. Highway No. 40 between Steamboat Springs and Denver, with a stub or shuttle service from Steamboat Springs south to Toponas, through Haybro, Oak Creek, Phippsburg, and Yampa. The Rio Grande Railroad furnishes a tri-weekly freight service from Denver.

Said R. E. Farrington further testified that he had almost daily calls for service inside the 25-mile radius of Yampa, and "continual" requests for the extended service. He admitted that the territory is presently served by Larson and the Rio Grande Railroad, common carriers, and by Hugh B. Brown, a private carrier, and that he saw the Larson truck in Yampa nearly every day. Neither Larson nor Brown maintains a dock at Yampa, and to contact Brown requires a toll call to Steamboat Springs. The Larson truck usually reaches Yampa about 1:00 P. M., every day, except Sunday, with overnight service from Denver. The Grand County Transportation Company never operated into Yampa to his knowledge, and he never saw a Weicker truck there except on one occasion about five years ago, when there was a movement of heavy equipment to a dam then under construction. None of these operators had a representative at Yampa.

Mr. Farrington further testified that Brown's customers received poor service at Yampa, as his truck usually reached there late in the evening, and Brown operated between Denver and Yampa only about once weekly. His complaint against Larson was that shipments by Larson were "delayed" as they did not reach Yampa from Denver until about one o'clock in the afternoon of the day after shipment. Merchants at Yampa usually placed their orders in

Denver by telephone or mail for direct overnight delivery via Larson, or delivery by rail, and it would be more convenient for them if applicant could transport their merchandise on his back-haul from Denver. Orders by telephone or mail were sometimes unnecessarily delayed. Applicants desired to haul livestock, lumber, or other commodity into Denver and merchandise back to the stores, or automobile parts back to the garages at Yampa. He thought the merchants would get better service, as he would call on the Yampa merchants before leaving for Denver, get their orders, and upon arriving in Denver would contact the Denver wholesalers, have the orders filled, and pick up the merchandise for his return trip to Yampa.

Exhibit No. 1, identified by this witness, shows the following trips from Yampa to Denver during the year 1948:

January	10	trips
February	5	"
March	6	"
April	4	"
May	6	"
June	7	"
July	10	"
August	13	"
September	14	"
October	17	"
November(to date of hearing)	9	"

The above figures correspond with the ton-mile records of the Commission.

Witness stated that business of applicants had increased 25 per cent since the hearing on April 10, 1946, although he has had no legitimate back-haul from Denver except under his "C" permit.

If the extension is granted, applicants do not expect to serve Kremmling, have no plans to increase their present equipment or to handle heavy machinery, and no plans to purchase a closed van or otherwise prepare to handle household goods, although they have pads, dollies, etc., for handling loose furniture. Witness agreed that any certificate issued might exclude heavy commodities requiring special equipment and, by agreement with Grand County Transportation Company, might exclude all points on

U. S. Highway No. 40 between Kremmling and Rabbit Ears Pass and intermediate points. Nor did they have any intention of hauling freight between Steamboat Springs and Denver.

Applicants proposed no schedule for the operation requested, but thought, with the business in sight, they could operate every other day.

Howard F. Allen, operator of the M & A Market in Yampa, testified in support of the application. He stated that the proposed service would save time in emergencies; that the Railroad operated a mixed train, handling freight and express, three times weekly, and another freight train daily which ordinarily did not handle L.C.L. freight; that meat handled by Larson was frequently bruised, but Larson readily paid claims for damages; that he thought applicants would furnish "a little quicker service"; that he orders through letter or telephone or salesman. He admitted that if he were compelled to rely solely upon applicants' service, which would be operated as a call and demand service in connection with the transportation of livestock, lumber, etc., on call and demand to Denver, Larson's service frequently might be quicker and more dependable than applicants'. He stated that when Farrington is in Denver he "could call Farrington and he would run around and pick it up"; that the Railroad does not have pick-up and delivery service; that trucks deliver at the door; that he would not want to pay 120 per cent of the line haul rate, which necessarily would be charged by applicants should they compete with line haul carriers for the same transportation service that is furnished by the Railroad and by Larson. He used the truck lines three or four times a week, the shipments running from a hundred pounds to a ton each, and also ships by rail. Service by the Railroad is adequate, but is only tri-weekly. Service of Larson is adequate except for the fact that delivery is not made until 1:00 P. M., Brown provides service once or twice a week, with delivery late, usually after store hours. Witness thought it would be convenient to the public to have a truck service based at Yampa.

Kirk Crowner, a produce shipper, farmer, and filling station and garage owner at Yampa, employs from fifty to sixty persons from June to October each year in shipping head lettuce. He testified that Denver is a good market for "dry-packed lettuce", which must be cut in the afternoon and delivered to Denver by 5:00 A. M. the following morning. He had never contacted Brown for this service, and usually shipped by rail. He also frequently orders auto parts for repair work, sometimes in emergencies, and sometimes these shipments, ordered by phone, arrive four to six days late. He was of the opinion that there was sufficient business to justify daily service by applicants for the back-haul Denver to Yampa.

Mr. Jones, who operates a garage at Yampa, testified that he thought it would be desirable to be able to "call Farrington at his hotel in Denver, when Farrington happened to be in Denver," and arrange for him to pick up some merchandise. He thought the service would be "an emergency service" and it would be "handier to have some one right there." He stated that, at times, he encountered some delay in having a motor sent to Denver, rebuilt, and returned. When his attention was directed to the fact that Farrington might not be going when the motor was ready to be sent to Denver, he thought he could arrange to have the motor taken down when Farrington was going; that it was necessary to "adjust your business to the transportation facilities." Truck transportation is cheaper than rail, as the truck delivers at the door, and there is a ten-cents per hundred charge for delivery of rail shipments from station to store door.

R. E. Jones, a stockman of Yampa and County Commissioner, has use for truck service several times each year; has had some shipments delayed by dock delays; and thought the authority requested by applicants would be a convenience to the entire community. He would expect personalized service, without extra pay.

J. D. Roup, of Yampa, rancher and cattle grower, has used the Larson service, and had but one complaint in the past. Sometimes, probably eight or ten times a year, he could use applicants' proposed service to bring from Denver parts for farming equipment.

Garland Kelsey, of Yampa, a farmer, thought the authority requested by applicants would be of benefit to the community. The witness needs the service only in the fall for delivery of his grain and hay to Denver. The testimony of this witness indicates a possible cause for the increase of applicants' business during the past two years. He stated: "Farrington would pick up grain at my place, transport it to Denver, and pay me what he collects in Denver from the purchaser, less sixty cents per hundred for the freight." This operation is clearly outside and beyond applicant's authority under his present certificate or under his "C" permit.

M. R. Hodge, of Yampa, operates a garage and repair shop, and a sawmill. He stated that the present service is "adequate but not satisfactory," because shipments by Larson were sometimes delayed "for days at a time." He would need the extended service requested only two or three times per year. He stated: "Farrington buys stuff for me in Denver and adds the freight."

At the request of applicants' attorney, we have reviewed the testimony given on behalf of applicants at the prior hearing, as well as the testimony given for them at the instant hearing.

For Larson, it appears that it has line-haul authority between Denver, Yampa, and Toponas, and can operate via either U. S. Highway 40 or via Gore Pass over State Highway 84; that, ordinarily, service is via U. S. Highway 40 Denver to Steamboat Springs, with a stub freight service from Steamboat Springs to points on State Highway No. 131 south of Steamboat Springs; that an International two-ton van is used for this service; that it is loaded from the road truck at Steamboat Springs and serves Oak Creek, Phippsburg, Haybro, Toponas, and Yampa; that business has been very light and frequently is insufficient in volume to cover the cost of the operation; that Larson does not carry orders to Denver to be filled on account of the fact that such service is in violation of Postal Regulations, and also is an extra service which is not authorized under its certificate

of public convenience and necessity, and which would not be available generally to all shippers and receivers of freight, and is not covered by the tariff; that service out of Denver is daily, except Sunday, the road truck leaving Denver at 8:00 P. M., arriving at Steamboat Springs at 5:20 A. M., and the van arriving at Yampa at 1:00 P. M., That loss of business probably would necessitate curtailment of service.

Mr. Gary A. Stern, General Superintendent for Larson, testified that his company was ready, willing, and able to handle all trucking operations in the territory applied for. Up to 1945, the company had an agent at Yampa, but because of decrease in business had discontinued the agency and consolidated it with the agency at Steamboat Springs. He estimated the population of the territory around Yampa, excluding Steamboat Springs, at 2500, and stated that the daily requirements amounted to eight pounds of freight per person per day in the summer time and three pounds per person per day in the winter time, and the daily freight potential in the summer time was 20,000 pounds and in the winter time, 7500 pounds. The present tonnage handled to Yampa from Steamboat Springs is in the neighborhood of 5000 pounds and deliveries are made by Larson five times per week, and there is usually excess space in Larson's road truck and van, and the company could handle 3000 to 4000 pounds of freight additional on each trip.

Mr. Walter C. Johnson, Sales Manager for K & B Packing Company, testified that it was expedient for his company to use Larson for the transportation of his products to Steamboat Springs, Yampa, Toponas, etc., and he had never received any complaints from customers as to the type of transportation available. All of his customers specified Larson when ordering these products. The heaviest shipments of his company were to Steamboat Springs, with substantial shipments once each week to Yampa and other points in that vicinity.

It is evident from the testimony that applicants filed for an extension for their own convenience rather than the convenience of the shipping public. The volume of merchandise that moves to the points they seek to serve does not justify the institution of another carrier service, and the volume that does exist is now divided between two common carriers, except for what business is handled by Brown. The service proposed will be very infrequent and applicants would not be justified in operating a through truck daily. The witnesses referred to the service proposed as "an emergency service."

The evidence shows that applicants have engaged in unauthorized operations under their "C" permit, two of the witnesses produced by them testifying to such violations, and such violations should be considered in determining whether the application should be granted, although, of course, such evidence is not conclusive.

The evidence shows that Yampa has a population of approximately 400 people, four stores, four garages, a liquor store, and a drug store, and that the service furnished by Larson and the Railroad is adequate. As to the specialized service proposed, we cannot consider the same in view of the objections of the other common carriers. Such service could not be authorized by the Commission, and in some particulars would be contrary to the Postal Regulations.

Applicants must show that the public convenience and necessity, as distinguished from their personal desires, require the proposed operation. Before a certificate of public convenience and necessity will issue for an operation which will virtually parallel existing common carrier service, a clear and affirmative showing must be made that the existing transportation facilities are inadequate or unsatisfactory, and that there is no prospect of such service being made better under the orders of the Commission. Applicants have not made this showing.

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity do not require the proposed extended common carrier service of applicants; that the common carrier service presently authorized is adequate; and that the instant application for extension should be denied.


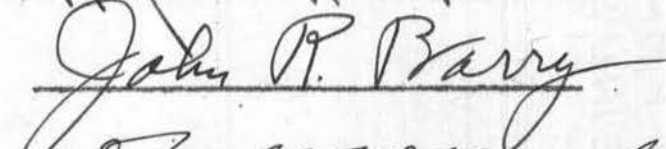
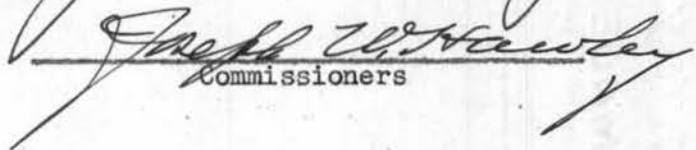
O R D E R

THE COMMISSION ORDERS:

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado

this 18th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT B. CAROTHERS AND WILLIAM R.)
BENNETT, JR., CO-PARTNERS, 165)
SOUTH WADSWORTH, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1669 TO D. M. BAKER AND W. L. FRAME,)
CO-PARTNERS, 960 FENTON STREET,)
DENVER, COLORADO.)

APPLICATION NO. 9803
TRANSFER

February 18, 1949

Appearances: William R. Bennett, Jr., Denver,
Colorado, for transferors;
D. M. Baker and W. L. Frame,
Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

On April 15, 1946, by Decision No. 25814, Gustave Vander-
straeten and Carl Parks, doing business as "Lakewood Scavenger Service,"
Lakewood, Colorado, were granted a certificate of public convenience
and necessity to operate as common carriers by motor vehicle for hire
for the transportation of:

Garbage and trash between points in an area
in Jefferson County, Colorado, from Sheridan
Boulevard west to Kipling Street, and from
Alameda Avenue north to Twenty-ninth Avenue;
coal from mines within a radius of fifty
miles of Lakewood to points within said
fifty-mile radius of Lakewood, Colorado;

said operating rights being designated "PUC No. 1669."

Pursuant to authority contained in Decision No. 27296, of
date January 9, 1947, said certificate-holders transferred said operat-
ing rights to Robert B. Carothers and William R. Bennett, Jr., co-
partners, Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at Denver, Colorado, February 14, 1949, and was there taken under advisement.

At the hearing, it appeared that the consideration for transfer of said operating rights is the sum of Four Thousand Dollars (\$4,000.00); that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are able and qualified to carry on the operation, their net worth being \$12,000.00.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Robert B. Carothers and William R. Bennett, Jr., co-partners, Denver, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1669 -- being the operating rights granted by Decision No. 25814 -- to D. M. Baker and W. L. Frame, co-partners, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

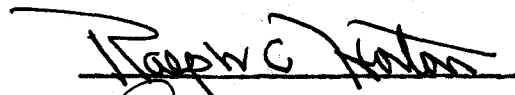
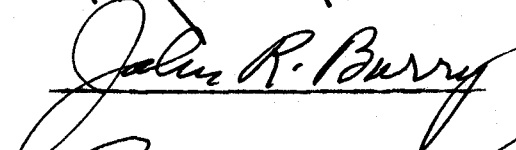
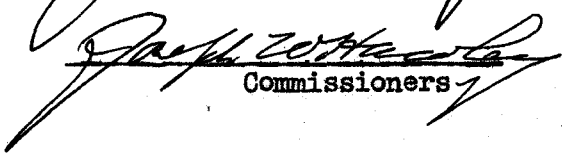
That the tariff of rates, rules, and regulations of transferors shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate, and the payment by them, or by transferees, of all unpaid ton-mile tax.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 18th day of February, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
BERNARD VAHLING, BOX 384, ARVADA,
COLORADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9723-PP

February 18, 1949

Appearances: Bernard Vahling, Arvada, Colo-
rado, pro se;
Harold Swana, Golden, Colorado,
for Swana Transfer & Express Co.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Stor-
age Company;
Marion F. Jones, Esq., Denver,
Colorado, for Sorenson Truck
Service;
Walter Adams, Morrison, Colorado,
pro se;
Alice Blakley, Derby, Colorado,
for Blakley and Blakley Live-
stock Trucking Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" pri-
vate carrier by motor vehicle for hire, for the transportation of livestock
and farm produce from sales barns and farms within a ten-mile radius of
Arvada, Colorado, and from and between said ten-mile area to points within
a fifty-mile radius of Arvada, Colorado.

Said matter was set for hearing, after due notice to all parties
in interest, and heard, on January 13, 1949, at the Hearing Room of the
Commission in Denver, Colorado, and there taken under advisement.

At the hearing, applicant testified that his equipment consisted
of one 1947 Ford truck, 1½-ton, with grain and stock body, and gave his
net worth as \$1500.00. He wishes to haul livestock and grain for his

neighbors, only, mostly from farm to farm, and also to haul livestock from and to the sales barns on North Federal Boulevard, near Denver. All hauling would be from and to farms, with no town to town service. He agreed to limit his operations to one truck, the hauling of horses from point to point within a radius of ten miles of Arvada, and agreed that the eastern boundary of his territory might be limited to a line drawn north and south forty miles east of Arvada, Colorado. He stated that requests for service had been received from several of his neighbors, in addition to the witnesses who testified, most of such requests being from neighbors around Arvada and Westminster. He had been forced to refuse service for neighbors wishing their horses hauled to pasture, and other service, because of his inability to serve, and his neighbors had tried to get service from other carriers, without success.

Mal Bryant, who resides five miles from Arvada, ships from 150 to 200 hogs a year. On one occasion, he had a shipment of 14 hogs, and on another occasion about 10,000 bushels of wheat to haul to market. He inquired of neighbors, none of whom knew any carrier available, or authorized to operate in that vicinity, and was forced to hire trucks and drivers to haul his livestock and grain when otherwise he would have called upon applicant. He had never been solicited by any other carrier.

Thurman Ashford, of Westminster, Colorado, testified that he handled a small amount of livestock; often was called upon to deliver one or two cows to a point a mile or two from his farm, to haul saddle horses a few miles or a few head of livestock from his farm to Denver. About one hundred of his neighbors need similar service but have been unable to obtain it and have been forced to use small trailers when the use of a truck was advisable. Yockey Truck Company had hauled one shipment of twelve horses for him but was not interested in small shipments. He had called upon other authorized carriers for the service he needed but none was interested. Recently, he purchased a cow at a farm five miles from his place of business, could not find anyone to haul her, and had to lead her home.

Luther Ware, of Westminster, Colorado, trades in horses, cattle, and other livestock, and testified that he often wanted to haul six or

seven saddle horses to a point within a ten-mile radius of Arvada, and often bought a cow or a hog at a sales ring to haul to his place of business.

All of the above witnesses expressed the opinion that the service proposed by applicant was badly needed in the area covered by the application.

Harold Swena, of Swena Transfer Company, with headquarters at Golden, Colorado, testified that he operated livestock trucks in the territory applied for by applicant, but had no particular objection to the neighborhood operations proposed by applicant, same being largely from farm to farm, provided the restrictions agreed to by applicant were included in the authority.

After the testimony had been given, Mr. Marion F. Jones, representing Sorenson Truck Service, withdrew his protest to the granting of the application.

FINDINGS

THE COMMISSION FINDS:

That the authority sought will not impair the efficiency of authorized common carriers now serving the territory; that there is a definite need for the proposed service; and that the application herein should be granted, as hereinafter limited.

ORDER

THE COMMISSION ORDERS:

That Bernard Vahling, Box 384, Arvada, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

Livestock and grain, only, from and to sales barns and farms within a ten-mile radius of Arvada, Colorado, from and to points within a radius of forty miles east, fifty miles north, fifty miles west, and fifty miles south of Arvada, Colorado, except that the transportation of horses shall be limited to and from points within a radius of ten miles of Arvada, Colorado; all operations shall be limited to the use of one truck, only, and applicant shall not engage in any town to town service.


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

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ray C. Horton
John R. Barry
Joseph C. Kearney
Commissioner

DATED at Denver, Colorado,
this 18th day of February, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ED LUJAN AND RUDY QUINTANA, CO-
PARTNERS, DOING BUSINESS AS
"SAGUACHE TRUCK LINE," SAGUACHE,
COLORADO, FOR AUTHORITY TO TRANSFER
PERMIT NO. B-963 TO ED LUJAN, WALTER
MC CORMICK AND JOHN W. MC CORMICK,
CO-PARTNERS, DOING BUSINESS AS
"SAGUACHE TRUCK LINE," SAGUACHE,
COLORADO.

APPLICATION NO. 9786-PP-Transfer

February 18, 1949

Appearances: Raphael J. Moses, Esq.,
Alamosa, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

By Decision No. 6556, Leslie Gilder was authorized to operate
as a Class "B" private carrier by motor vehicle for hire for the trans-
portation of:

livestock, potatoes, and coal from point to
point within a radius of twenty-five miles
of Center, Colorado, and from and to said
points, to and from Walsenburg, Pueblo, and
Denver, without the right to render point
to point service between Walsenburg and
Denver and intermediate points,

said operating rights being designated "Permit No. B-963."

By Decision No. 22084, dated March 23, 1944, said permit was
transferred to Bruce Gardner, Center, Colorado, who, by Decision No.
25579, of date February 21, 1946, was authorized to transfer said operat-
ing rights to Willis Turner, Saguache, Colorado.

Pursuant to authority contained in Decision No. 28285, of date
May 31, 1947, said Willis Turner transferred said operating rights to
Ed Lujan and Rudy Quintana, co-partners, Saguache, Colorado, who, by the
instant application, seek authority to transfer Permit No. B-963 to Ed Lujan,

5
Walter McCormick, and John W. McCormick, co-partners, doing business as "Saguache Truck Line," Saguache, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit of transferors is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said operation; that transferees, pecuniarily and otherwise, are ready, able, and willing to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said permit, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That Ed Lujan and Rudy Quintana, co-partners, Saguache, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-963 -- being the operating rights granted by Decision No. 6556 -- to Ed Lujan, Walter McCormick, and John McCormick, co-partners, doing business as "Saguache Truck Line," Saguache, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferees to operate under this order shall depend upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit, and the payment by them or transferees of all unpaid ton-mile tax.

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

5 - -
That ton-mile tax deposit of transferors be transferred to account of transferees.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 18th day of February, 1949.

DW



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOMINIC C. CARESTIA AND JOSEPHINE)
CARESTIA, RURAL ROUTE 1, FLORENCE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-3547 TO RALPH CARESTIA,)
RURAL ROUTE 1, FLORENCE, COLORADO.)

APPLICATION NO. 9819-PP-Transfer

February 18, 1949

S T A T E M E N T

By the Commission:

By Decision No. 27274, of date December 21, 1946, W. E. Cox, Florence, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

coal and wood between points within a one-hundred-mile radius of Florence, Colorado, excluding all service from or to points in Teller County,

said operating rights being designated "Permit No. B-3547."

Pursuant to authority contained in Decision No. 28902, of date August 25, 1947, said permit-holder transferred Permit No. B-3547 to Dominic C. Carestia and Josephine Carestia, Florence, Colorado, who, by the instant application, seek authority to transfer said operating rights to Ralph Carestia, Florence, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that ton-mile tax deposit is to be transferred to account of transferee; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Dominic C. Carestia and Josephine Carestia, co-partners, Florence, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-3547 -- being the operating rights granted by Decision No. 27274 -- to Ralph Carestia, Florence, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and provided that transferee shall assume and pay ton-mile tax due and owing from transferors to the Commission on account of operations under said permit.

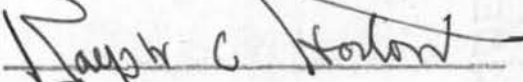
The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit, and payment by them or transferee of all unpaid ton-mile tax.

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

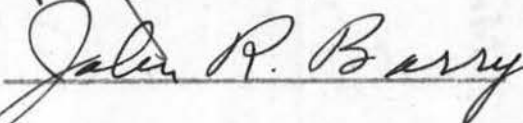
That ton-mile tax deposit be transferred to account of transferee.

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

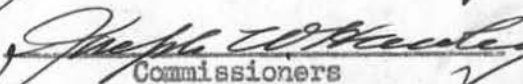
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Holcomb



John R. Barry



Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 18th day of February, 1949.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BURLINGTON TRANSPORTATION COMPANY,)
AN ILLINOIS CORPORATION, FOR AUTH-)
ORITY TO LEASE A PORTION OF PUC) APPLICATION NO. 9820.
NO. 36 AND 36-I TO M. M. YOUNG,)
LARAMIE, WYOMING.)
-----)

February 17, 1949

S T A T E M E N T

By the Commission:

The petitioners herein are owners of PUC No. 36 and 36-I, which authorizes, among other things, operation of a scheduled service between the Colorado-Wyoming State Line and Walden, Colorado, over Colorado Highways Nos. 127 and 125, via Cowdrey, Northgate, Kings Canyon, and Nelson, Colorado.

On January 24, 1949, Burlington Transportation Company, an Illinois Corporation, with its main office in Chicago, Illinois, filed its application to lease that portion of its operating authority on the route described as follows:

between the Colorado-Wyoming State Line and Walden, Colorado, over Colorado Highways Nos. 127 and 125, via Cowdrey, Northgate, Kings Canyon, and Nelson, Colorado,

to M. M. Young, an individual, of Laramie, Wyoming, for a term of five (5) years, at a rental of One Dollar (\$1.00) per year.

The proposed fares, rates, route, and time schedule of lessor are to be adopted by lessee. The equipment to be operated in the service is a Sparton Bus, twenty-one-passenger capacity, 1947 Model, of a reasonable value of \$6,890.00.

The files disclose that lessee is an individual, and an experienced bus operator in Wyoming and Colorado for many years, and a resident of Laramie, Wyoming. It appears that he will be able to render as good, or better, service to the public than a corporation with its offices remote from the route of operation.

It further appears that petitioners have procured from the Interstate Commerce Commission authority, under Docket No. MC-FC-31642, to lease the said route in interstate commerce.

Inasmuch as the files of the Commission and the verified application herein show that authority under said certificate is in good standing; that road tax has been paid; that there are no outstanding unpaid operating obligations against said certificate; that lessee, pecuniarily and otherwise, is qualified, able, and willing to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to lease of said operating rights above set forth, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed lease is compatible with the public interest.

O R D E R

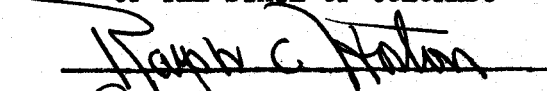
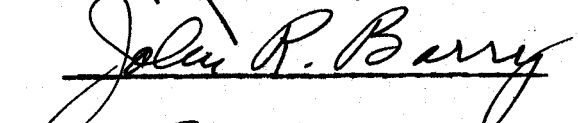
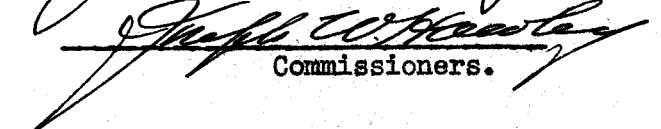
THE COMMISSION ORDERS:

That Burlington Transportation Company, an Illinois Corporation, Chicago, Illinois, be, and it hereby is, authorized to lease that portion of PUC No. 36 and 36-I, which authorizes:

service between the Colorado-Wyoming State Line and Walden, Colorado, over Colorado Highways Nos. 127 and 125, via Cowdrey, Northgate, Kings Canyon, and Nelson, Colorado,

to M. M. Young, an individual, Laramie, Wyoming, for a term of five (5) years, effective February 1st, 1949, under the conditions more clearly set forth in lease of operating rights attached to the petition.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1949.

original

(Decision No. 32200

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PROPOSED RATE SCHEDULE, AS IT
AFFECTS WATER USERS OUTSIDE COR-
PORATE BOUNDARIES OF THE CITY OF
LONGMONT, COLORADO.

INVESTIGATION AND SUSPENSION
DOCKET NO. 275

February 16, 1949

S T A T E M E N T

By the Commission:

IT APPEARING, That on June 2, 1947, the City of Longmont, by P. K. Spangler, City Clerk, filed a proposed rate schedule that would become effective July 1, 1947, as it affects the water users outside the corporate boundaries of the City of Longmont, said proposed schedule being an increase of thirty-three and one-third ($33\frac{1}{3}$) per cent to those customers using an average amount of water;

IT FURTHER APPEARING, That by Decision No. 28528, of date June 25, 1947, the Commission suspended the effective date of the proposed rate schedule from July 1, 1947, or until October 29, 1947, unless otherwise ordered, and set the matter for hearing in the City Hall at Longmont, Colorado, on Tuesday, the 29th day of July, 1947, at ten o'clock A. M.;

IT FURTHER APPEARING, That pursuant to said order, hearing was held, and that a decision in the matter could not be entered before October 29, 1947, the expiration date of the suspension order, and in Decision No. 29200, of date October 27, 1947, the effective date of the proposed schedule was further suspended for one hundred twenty (120) days from October 29, 1947, or until February 26, 1948, unless otherwise ordered;

IT FURTHER APPEARING, That by Decision No. 30000, of date February 24, 1948, the matter was again suspended for one hundred twenty (120) days from February 26, 1948, or until June 25, 1948, unless otherwise ordered;

IT FURTHER APPEARING, That by Decision No. 30775, of June 24, 1948, the matter was again suspended for a period of one hundred twenty (120) days from June 25, 1948, or until October 23, 1948, unless otherwise ordered;

IT FURTHER APPEARING, That the matter was again suspended for a period of one hundred twenty (120) days from October 23, 1948, or until February 20, 1949, by Decision No. 31403, of October 21, 1948;

IT FURTHER APPEARING, That a decision in the matter may not be entered before February 20, 1949, the expiration date of the suspension period, on account of non-completion of Original Cost and Valuation of Longmont Water Plant, in and without the City of Longmont.

O R D E R

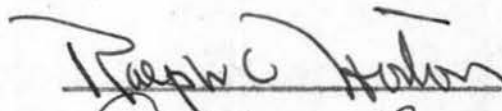
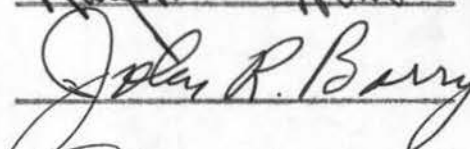

THE COMMISSION ORDERS:

That the effective date of the proposed rate schedule be, and it hereby is, further suspended for one hundred twenty (120) days from February 20, 1949, or until June 20, 1949, unless otherwise ordered.

That copy of this Order be filed with the aforesaid proposed rate schedule and complaints filed therewith, and that copies hereof be served on P. K. Spangler, City Clerk of the City of Longmont, Colorado; J. S. Schey, City Attorney, Longmont, Colorado; J. M. Hovlid, Box 717, Longmont, Colorado; H. E. Brewbaker, Longmont, Colorado, and Danzell Hartshorn, Longmont, Colorado, they being the appearances at the aforesaid hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 16th day of February, 1949.




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PETITION TO CANCEL THROUGH RATES }
FROM OR TO POINTS BEYOND DURANGO, }
COLORADO, TO OR FROM POINTS ON THE }
LINE OF MOAB GARAGE COMPANY, ON }
COLORADO INTRASTATE TRAFFIC. }
----- }

CASE NO. 1585.

February 17, 1949

Appearances: T. A. Stockton, Jr., Esq.,
Denver, Colorado, for
applicant.

STATEMENT

By the Commission:

By Decision No. 31962, of date January 17, 1949, the
above-styled matter was set for hearing before the Commission at ten
o'clock A. M., February 24, 1949, in the District Court Room, Court
House, Durango, Colorado.

The Commission is now in receipt of a communication from
T. A. Stockton, Jr., Esq., in behalf of Moab Garage Company, requesting
that petition to cancel through rates be cancelled.

FINDINGS

THE COMMISSION FINDS:

That said request should be granted, and said hearing vacated.

ORDER

THE COMMISSION ORDERS:

That petition to cancel through rates, filed by Moab Garage
Company, be, and the same hereby is, cancelled.

That hearing on said petition set for February 24, 1949, at
Durango, Colorado, be, and the same hereby is, vacated, and the proceeding
dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph C. Harty
Commissioners

Dated at Denver, Colorado,
this 17th day of February, 1949.

original

(Decision No. 32202)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL A. BORGMANN AND WALTER H.)
BORGMANN, CO-PARTNERS, DOING BUSINESS)
AS BORGMANN BROTHERS, AND OF MAXINE)
V. MARTIN AND EDWARD D. MARTIN, CO-)
PARTNERS, DOING BUSINESS AS MARTIN)
TRUCK LINES, FOR AUTHORITY TO SELL)
EQUIPMENT AND TO LEASE AND TRANSFER)
CERTIFICATE AND PERMIT RIGHTS.)

APPLICATION NO. 9737--TRANSFER

APPLICATION NO. 9765--PP--TRANSFER

February 18, 1949

Appearances: Worth Allen, Esq., Denver,
Colorado, for transferors;
W. L. Lang, for Lang Trans-
fer Lines;
Edward D. Martin, La Salle,
Colorado, for Transferees

S T A T E M E N T

By the Commission:

By Application No. 9765--PP and Application No. 9737, Carl A. Borgmann and Walter H. Borgmann, co-partners, doing business as Borgmann Brothers, seek authority to lease and transfer to Maxine V. Martin and Edward D. Martin, co-partners, doing business as Martin Truck Lines, "all PUC motor vehicle certificate rights held by them, and that part of Private Permit No. A-704 which is now in force and effect."

The matter was set for hearing, and heard, on January 13, 1949, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, after due notice to all parties in interest.

The two applications were consolidated for hearing to avoid unnecessary duplication of testimony.

By Decision No. 17043, of date April 29, 1941, -- which decision amended prior Decisions Nos. 13998, 14174, and 15344 -- authority under PUC No. 1323 was declared by the Commission to be as follows:

"Transportation of milk and dairy products to Denver, via North Colorado Boulevard Road through Frederick, from the territory described as follows:

Beginning at the West Quarter Corner of Sec. 7, T. 2 N., R. 68 W.; thence N. $7\frac{1}{2}$ miles to the Southeast Cor. of Larimer County; thence West $2\frac{1}{2}$ miles to U. S. Highway 87; thence North along U. S. Highway 87 to the Northeast Cor. of Sec. 13, T. 5 N., R. 68 W., being the intersection of U. S. Highway 87 and Colorado Highway 16; thence East along Colorado Highway 16 a distance of approximately fifteen (15) miles to the Northeast Cor. of Sec. 8, T. 5 N., R. 66 W.; thence South a distance of approximately six (6) miles to the north bank of the Platte River; thence in a southwesterly direction along the north and west bank of the Platte River to the Southeast Cor. of Sec. 14, T. 3 N., R. 67 West; thence West to the South Quarter Cor. of said Sec. 14; thence South Four and one-half ($4\frac{1}{2}$) miles on a line which is two (2) miles west of U. S. Highway 85 to the East Quarter Corner of Sec. 11, T. 2 N., R. 67 W.; thence through the center of Secs. 11, 10, 9, 8, and 7 in T. 2 N., R. 67 W., and through the center of Secs. 12, 11, 10, 9, 8 and 7 in T. 2 N., R. 68 W., to the point of beginning; and in addition to the territory above described, applicants shall have authority to serve producers whose farms adjoin or abut on the east and west line running through the center of said sections last above described; provided, however, that no milk shall be picked up south of the South Boundary line of said sections with the one exception of Cora Green whose farm is located north of the Southwest quarter of Sec. 23, T. 2 N., R. 68 W.; and to serve milk producers residing on farms abutting on North Colorado Boulevard, through Frederick from the territory above described, to Denver; however, not in conflict with the rights of the Fuller Truck Line, Inc., under P.U.C. 23; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity."

By the same Decision (No. 17043), the above authority under PUC No. 1323 was eliminated from Private Carrier Permit No. A-704, of Borgmann Brothers, leaving to be served under Permit No. A-704 the following:

"(1) All of the area in Boulder County heretofore authorized to be served under said Permit A-704, which said area is described as follows: All of Sections 23, 24, 25, 26, 35 and 36, in Township 3 N., Range 69 West, and Sections 1 and 2 in Township 2 N., Range 69 West.

"(2) The area described as follows: Beginning at a point on the south side of Sec. 2, T. 2 No., R. 67 W.; two miles west of U. S. Highway 85; thence East to the SE Cor. of Sec. 6, T. 2 N., R. 66 West; thence North to the NE Cor. of Sec. 19, T. 3 N., R. 66 West; thence East to the SE Cor. of Sec. 17, T. 3 N., R. 66 West; thence N. to the bank of the South Platte River; thence southwesterly along the south and east banks of said river to the SW Cor. of Sec. 35, T. 4 N., R. 67 W.; thence East two (2) miles to the SE Cor. of Sec. 36, T. 4 N., R. 67 W.; thence South to the SE Cor. of Sec. 13, T. 3 No.; R. 67 W.;

thence West to a point two (2) miles west of U. S. Highway 85; thence southeasterly (parallel to U. S. Highway 85) to the point of beginning.

"(3) The route between Frederick and Denver and all points thereon authorized by said Permit No. A-704 to be served, which are not herein authorized to be served by applicants as common carriers, including the right to transport light freight from Denver to Welby."

At the hearing, applicants submitted a written agreement, of date December 30, 1948, between themselves and the proposed transferees (Exhibit "A", which is in words and figures as follows:

"MEMORANDUM OF AGREEMENT made and entered into this 30th day of December, 1948, by and between CARL A. BORGMANN and WALTER H. BORGMANN, co-partners doing business as BORGMANN BROTHERS, first parties, and MAXINE V. MARTIN and EDWARD D. MARTIN, co-partners doing business as MARTIN TRUCK LINES, WITNESSETH:

"WHEREAS, first parties are the owners and holders of (1) motor vehicle certificate rights granted by The Public Utilities Commission of the State of Colorado, in its order dated September 16, 1939, Decision No. 13998, and in and by subsequent orders by said Commission, all of which rights are identified by and operated under P.U.C. No. 1323, and (2) Private Permit No. A 704 (the portion thereof not heretofore cancelled), and

"WHEREAS, first parties are the owners of the two following described trucks with bodies thereon:

1 1947 International, Model KBS-5, Motor No. GRD-233-173552, Mfg'r's No. 48157, 1½ ton capacity.

1 1948 Dodge, Model BIFA, Motor No. T 148-22432, Mfg'r's No. 8032 5168, 1½ ton capacity, and

"WHEREAS, first parties are desirous of selling said equipment and leasing and transferring said certificate rights and Private Permit to second parties, and the latter are desirous of buying said equipment and of leasing and later acquiring by outright transfer said certificate rights and permit from first parties;

"NOW, THEREFORE, IT IS AGREED BY THE PARTIES AS FOLLOWS:

"First parties agree to sell said certificate rights and permit and equipment to second parties, and second parties agree to purchase same from first parties on the following terms and conditions:

"The total consideration and purchase price is \$12,000.00, a check for \$6,000.00 of which has been given to first parties by second parties. The balance of \$6,000.00 will be paid in twelve (12) monthly installments of \$500.00 each, the first installment to be paid on February 1, 1949, together with interest on unpaid balances

each month at the rate of five (5) per cent. per annum. Said balance of \$6,000.00 is to be evidenced by promissory note executed by second parties, dated January 1, 1949, and made payable to the order of first parties.

"An Application dated this day, has been signed by all parties, asking the said Commission for an order approving this contract, authorizing the sale of said equipment, the leasing of said rights and permit to second parties during the period in which said balance of \$6,000.00, with interest, is to be paid, and the outright transfer thereof upon the payment by second parties of the said balance of \$6,000.00, with interest, within the time herein provided. When said balance, with interest, has been paid, said Commission may, upon receipt of proof thereof, make an order granting final authority to make said outright transfer, and first parties consent that said order may declare that said transfer be thereby deemed made.

"Second parties shall have the right at any time to pay all or any part of said balance of \$6,000.00.

"Second parties are given the right to take possession on January 1, 1949, of said equipment, and to carry on for first parties operations under said rights and permit until said Commission makes its said order of approval and authorization. Upon the approval of this contract by said Commission and the grant of authority sought, first parties will, if said check for \$6,000.00 has been honored, promptly transfer clear title to said equipment to second parties, and concurrently therewith second parties will deliver to first parties said promissory note.

"Second parties represent that in order to finance this purchase, they are going to borrow from the First National Bank of Greeley, Colorado, some \$11,000.00 for a period of twelve (12) months, and to secure payment thereof they will give to said bank a chattel mortgage on said equipment and on other equipment now owned by second parties. They agree that they will not otherwise mortgage or encumber said equipment.

"First parties agree that after two (2) of said installment payments have been seasonably made by second parties, the latter shall have a grace period of thirty (30) days for making payment of one of the subsequent installments, provided, however, all of said installments must be paid on or before February 1, 1950. Failure otherwise for more than ten (10) days to make a payment when due shall terminate and forfeit the rights of second parties to have final and outright transfer, and shall entitle first parties to their original unrestricted rights with respect to said certificate rights and permit.

"Second parties agree that they will at all times until they receive final and outright transfer, conduct operations under said rights and permit in full accord with the law and the rules and regulations of said Commission, and they will promptly report and pay all highway compensation tax, and that any substantial failure to so conduct said operations and to report and pay said taxes will en-

title first parties to declare this contract terminated with the same effect as is stated supra for failure to make payments.

"IN WITNESS WHEREOF, the parties have hereunto subscribed their names the day and year first above written.

"CARL A. BORGMANN
"WALTER BORGMANN
First Parties

"EDWARD D. MARTIN
"MAXINE V. MARTIN
Second Parties"

Mr. Carl A. Borgmann, one of the co-partners doing business as "Borgmann Brothers," identified the agreement above set forth and gave detailed testimony as to its provisions and the general understanding between his firm and the transferees. He stated that the present indebtedness of the co-partnership consisted only of current highway compensation tax, current accounts payable not to exceed \$1,000.00, and a promissory note in the amount of \$1,500.00 payable to the First National Bank of Longmont, Colorado; all of which indebtedness would be paid from the initial payment provided by the contract. The ton-mile tax deposit is to be refunded to transferors. The proposed lease of equipment and operating rights is to be subject to a present lease of equipment to one W. L. Lang.

Edward D. Martin, one of the co-partners doing business as "Martin Truck Lines," testified that his firm was the owner of FUG-528, and was authorized to operate in territory contiguous to that of Borgmann Brothers. The financial statement of the co-partnership, Martin Truck Lines, is on file with the Commission, and the co-partnership has a net worth of \$21,000.00. The partners have had two years' experience as motor carriers, have paid all ton-mile taxes due, and have fully complied with all the rules and regulations of this Commission. They had operated as lessees under Borgmann Brothers' certificate and permit since January 1, 1949, with the understanding that all accounts receivable from the operation up to that date would be collected by Borgmann Brothers, who also would pay all accounts payable up to that date. Martin Truck Lines has arranged with the First National Bank of Greeley, Colorado, for the initial

payment of \$6,000.00 under the contract, and expect to execute note and chattel mortgage on their trucks and equipment to secure the payment of the same, but would not mortgage the certificate or permit in the event the transfer is approved by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed lease and transfer, as provided for in the contract (Exhibit "A") are consistent with the public interest and should be authorized.

O R D E R

THE COMMISSION ORDERS:

1. That the agreement between the parties hereto -- Exhibit "A" -- be, and the same is hereby, approved.
2. That from the initial payment of \$6,000.00 provided by the agreement, Borgmann Brothers shall pay all outstanding indebtedness against the operation up to January 1, 1949.
3. That Carl A. Borgmann and Walter H. Borgmann, doing business as "Borgmann Brothers," be, and they are hereby, authorized to lease to Maxine V. Martin and Edward D. Martin, doing business as "Martin Truck Lines," the trucks described in said Exhibit "A", and the operating rights under PUC No. 1323 and Private Carrier Permit No. A-704, until such time as the final payments provided under the agreement referred to shall have been made.
4. That upon the completion of the payments from transferees to transferors, as provided by the agreement referred to, and proof of such payment being filed with the Commission, said PUC No. 1323 and Private Carrier Permit No. A-704 shall be transferred upon the records of the Commission to the said transferees, and the lease above provided for shall be cancelled.
5. That ton-mile tax deposit of transferors shall be refunded to them.

6. That the tariff of rates, rules, and regulations of transferors shall become and remain those of transferees in the operation of PUC No. 1323 until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said PUC No. 1323 and Private Carrier Permit No. A-704 and the payment by them, or by transferees, of all unpaid ton-mile tax.

That this order is made a part of the certificate and permit herein authorized to be leased and eventually transferred in accordance with the agreement (Exhibit "A"), and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray W. C. Hutton
John R. Barry
Joseph C. Heacock
Commissioners

DATED at Denver, Colorado,
this 18th day of February, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE IN RATES ON LIVESTOCK)
FOR DISTANCES FIFTY (50) MILES)
AND LESS.)

CASE NO. 1585

February 18, 1949
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a petition from Guy Hart, doing business as Farm Hauling Service, Longmont, Colorado, requesting that the Commission prescribe the following rates in cents per one hundred pounds on livestock, as an emergency matter, viz:

Distance Miles	Plains				Differential				Mountains			
	LTL	6M	10M	16M	LTL	6M	10M	16M	LTL	6M	10M	16M
5	13 $\frac{1}{2}$	7	6	5	4 $\frac{1}{2}$	2	2	2	18	9	8	7
10	14 $\frac{1}{2}$	9	9	6 $\frac{1}{2}$	4 $\frac{1}{2}$	3	3	2 $\frac{1}{2}$	19	12	12	9
15	15 $\frac{1}{2}$	11	10 $\frac{1}{2}$	8 $\frac{1}{2}$	5 $\frac{1}{2}$	3	3 $\frac{1}{2}$	2 $\frac{1}{2}$	21	14	14	11
20	17	12	12	11	5	4	4	3	22	17	16	14
25	20	15	14	12	6	5	4	4	26	20	18	16
30	22	17	16	13	7	5	5	4	29	22	21	17
35	23	18	17	14	7	5	5	4	30	23	22	18
40	24	20	17	14	7	6	5	4	31	26	22	18
45	25	21	18	15	8	6	5	5	33	27	23	20
50	26	22	18	15	8	7	5	5	34	29	23	20

The proposed rates represent an increase of approximately two cents (2¢) a hundred for distances 20 miles to and including 35 miles, based on a 16,000 pound minimum; a one cent (1¢) increase at 40 and 45 miles, and no change at 50 miles. The petition states that in support of its request, the carriers engaged in the transportation of livestock for 50 miles and less are in a desperate revenue situation and must have immediate and substantial relief if they are to continue in business and efficiently render the authorized service; that when the last adjustment in livestock rates became effective on September 20, 1946, the carriers performing short-haul service were given a very small increase in rates, while generally speaking the carriers rendering a longer haul service were given a substantial increase.

Attached to the petition is a copy of the Farm Hauling Service's profit and loss statement for the year 1948 which shows a net gain of only \$345.35 after including \$3,203.46 in borrowed money from the revenue of the firm.

It is further stated that The Colorado Motor Carriers' Association is preparing to file a petition requesting a general investigation of the rates on livestock for distances of less than 120 miles, which will be filed with the Commission in the immediate future for account of the Livestock Carrier Division of said association.

FINDINGS

THE COMMISSION FINDS:


That, Case No. 1585 should be reopened for further hearing relative to the rates on livestock for distances 50 miles or less.

ORDER

IT IS ORDERED:

That, Case No. 1585 be and same is hereby reopened for further hearing before the Commission at 10 o'clock A.M. on the first day of March, 1949 in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for the taking of evidence relative to the matters and things hereinbefore set forth.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Walter C. Norton
John R. Barry
Joseph T. Hawley
Commissioners

Dated at Denver, Colorado
this 18th day of February, 1949.

hm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIM ANGLE, WHEATLAND, WYOMING, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO P. S. DEMARIO) PUC 1611-I.
AND W. D. ANDERSON, CO-PARTNERS,)
WHEATLAND, WYOMING.)
-----)

February 23, 1949

S T A T E M E N T

By the Commission:

Heretofore, Jim Angle, Wheatland, Wyoming, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire in interstate commerce, and PUC No. 1611-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to P. S. Demarion and W. D. Anderson, co-partners, doing business as "Demario and Anderson," Wheatland, Wyoming.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

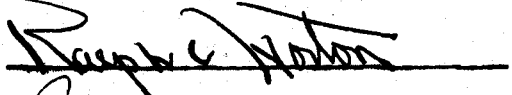
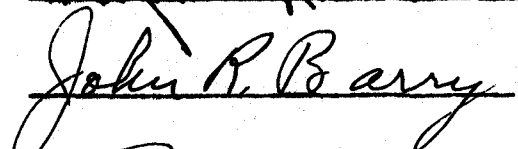

That Jim Angle, Wheatland, Wyoming, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1611-I to P. S. Demario and W. D. Anderson, co-partners, doing business

as "Demario and Anderson," Wheatland, Wyoming, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to the payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM F. ACKLEY, SNYDER, COLOORADO,) APPLICATION NO. 8600-Extension.
FOR AN EXTENSION OF PUC NO. 620.)
-----)

February 23, 1949

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicant;
Myron H. Burnett, Esq.,
Denver, Colorado, for
Colorado Motor Carriers'
Association, Northeastern
Transportation Company;
J. R. Arnold, Denver, Colo-
rado, for Northeastern
Transportation Company;
J. Gorder Smith, Esq., Fort
Morgan, Colorado, for Fred J.
Nevin;
George Heuck, Sterling, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

On May 31, 1947, William F. Ackley filed application for extension of PUC No. 620 to include the right to transport: (a) on schedule, milk, from points within a radius of twenty-five miles of the City of Brush, Colorado, to said city, and on schedule or on call and demand, as the case may be, from said city and from the City of Fort Morgan, Colorado, to other points in the State of Colorado; (b) on call and demand, of old railroad cars and houses from point to point in the territory now authorized to be served by him under certificate of public convenience and necessity originally granted by Decision No. 5939, in Application No. 1875.

The matter, after several continuances, was set for hearing, and heard, at the Court House in Sterling, Colorado, February 8, 1949, and was there taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of PUC No. 620, which generally authorizes:

transportation of farm products, on call and demand, from point to point in certain parts of Washington, Adams, and Morgan Counties, to other points in the State of Colorado,

he being one of the older carriers in Northeastern Colorado. His list of equipment and his financial statement are available in the files of the Commission, and it appears that he has a net worth of approximately \$75,000.00.

Applicant desires to establish a scheduled operation, bringing milk into Brush, Colorado for the McLagan Creamery at Brush, and also to haul surplus milk, on call and demand, from Brush to Denver, creamery at Fort Morgan, and other points in the State of Colorado where there is a market for surplus milk of McLagan Creamery.

John McLagan, one of the owners of the creamery at Brush, Colorado, testified as to the need of applicant's service. He stated that his creamery is now being served by three carriers, including applicant, and definitely needs applicant's service in other areas.

Russell F. Woodard, a farmer residing near Snyder, Colorado, testified that applicant's service is needed for delivery of milk to the creamery at Brush. Mr. Woodard also stated he would use applicant's service in moving houses, and that he presently had a house and barn he would like to have moved.

Other witnesses, including Clarence L. Bruce, Dan Kraft, Carl Sandefir, and others, all testified as to their need for applicant's service in hauling milk to Brush.

Fred J. Nevin, who has private carrier authority, contended that in the territory lying east of Dodge Bridge Road, ample service was offered by private carriers, and there was no need or demand for common carrier service.

George Heuck, of Sterling, Colorado, owner of PUC No. 1783, with authority to move box cars and buildings in the area sought to be served by applicant, very vigorously protested the granting of any authority to move box cars and buildings, as asked for in the application, maintaining there was adequate service available, and that the presently-authorized carriers have idle equipment and need all the business to sustain their operations.

The Commission has carefully reviewed the evidence, and it would appear that there is a service needed for milk delivery, on schedule, to the creamery at Brush; also, a call and demand service from the creameries at Brush and Fort Morgan to other points in the State. However, the Commission cannot see any need for additional service for the movement of houses and railroad cars, as it appears to us there are presently-authorized carriers available in this territory to take care of that need.

F I N D I N G S

THE COMMISSION FINDS:

That present and future public convenience and necessity require, and will require, the extension of PUC No. 620 to include: (a) transportation of milk, on schedule, to Brush, as more particularly set forth in the Order following; (b) transportation of milk from McLagan Creameries, or their successors, at Brush and Fort Morgan, Colorado, to other points in the State of Colorado; and that certificate of public convenience and necessity should issue therefor; that said application, in all other respects, should be denied.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier operations of applicant under PUC No. 620, for the transportation of milk from points within a radius of twenty-five miles of Brush, Colorado, to Brush, Colorado, with return of empty containers; also transportation of milk, on call and demand, from creameries located at Brush, Colorado and Fort Morgan, Colorado, to all other points in the State of Colorado, with return of empty containers, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That as to his scheduled operations, applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

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

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

That application, in all other respects, should be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Wesley C. Johnson

John R. Barry

Joseph T. Hester
Commissioners

Dated at Denver, Colorado,
this 23rd day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY T. SELLERS, 2427 WEST ARGYLE)
STREET, DENVER, COLORADO, FOR AN)
EXTENSION OF PERMIT NO. A-3953.)

APPLICATION NO. 9798-PP
EXTENSION

February 24, 1949

Appearances: Roy T. Sellers, Denver,
Colorado, pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
E. B. Evans, Esq., Denver, Colo-
rado, for Rein Milk Transport.

S T A T E M E N T

By the Commission:

Applicant herein is the owner of Private Carrier Permit No.
A-3953, which authorizes the transportation of:

groceries for Piggly Wiggly Western, of Denver,
Colorado, only, between their stores and ware-
houses in Denver, to Arvada and Golden, Colorado.

On January 14, 1949, applicant filed his application for au-
thority to extend operations under said permit to include the right to
transport groceries and staples within the City of Denver, Colorado, and
a radius of twenty miles thereof, for Piggly Wiggly Western, only, hauling
to Piggly Wiggly Stores, only.

The matter was set for hearing, and heard, February 11, 1949,
at 330 State Office Building, Denver, Colorado, and at the conclusion of
the hearing the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant desires
to haul groceries for the Piggly Wiggly Stores in Denver, and to their
stores located in Metropolitan Denver and Aurora.

Applicant does not wish to add to the customers, and will use a 1943 two-ton truck in his operation.

It further appears that applicant has a net worth of approximately \$13,000.00, and is well qualified by experience to carry on the proposed operation.

Protestants withdrew all protests to the authority requested by applicant as disclosed by the evidence, and the Commission cannot see where the granting of the instant application would impair the efficiency of the common carrier service now authorized to serve in the territory.

F I N D I N G S

THE COMMISSION FINDS:

That applicant is qualified -- both financially and by experience -- to carry on the proposed extended operation, and has a customer who desires the extended service; that the granting of this application will not tend to impair the efficiency of common carriers now authorized to serve in said territory, and that the instant application for extension should be granted.

O R D E R

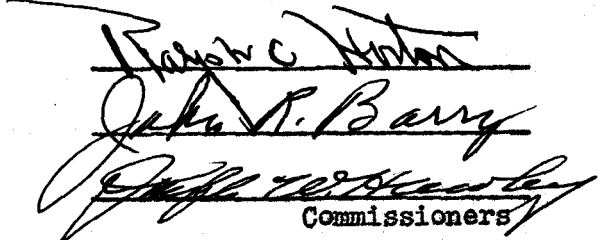
THE COMMISSION ORDERS:

That Roy T. Sellers, Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. A-3953 to include the right to transport groceries and staples between the City of Denver on the one hand and stores of Piggly Wiggly Western located in Metropolitan Denver on West Colfax Avenue and North Denver, and their store located in Aurora, Colorado, on the other hand, said extended service to be for Piggly Wiggly Western of Denver, only.

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

DATED at Denver, Colorado,
this 24th day of February, 1949.

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
HENRY DUPPER, LA SALLE, COLORADO,
FOR AUTHORITY TO TRANSFER PERMIT NO.
B-1285 TO ABE ZIEGLER, ROUTE 9, C/O
CHAMBERS STATION, DENVER, COLORADO.

APPLICATION NO. 9809-PP
TRANSFER

February 24, 1949

Appearances: Abe Ziegler, Denver, Colorado,
pro se;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company.

S T A T E M E N T

By the Commission:

On February 11, 1936, by Decision No. 7179, Harry Dupper was granted permission to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Livestock from an area extending thirteen miles south of Greeley, five miles west, five miles north, and five miles east thereof, and from sales yards at Greeley to Denver and to the home of buyers of stock living within a twenty-five-mile radius of Greeley; beet pulp from the sugar factory at Greeley to feeders within a twenty-five-mile radius of Greeley; and farm products from the area first above described to markets at LaSalle and Greeley, provided, however, that said applicant is not authorized hereby to serve any customers living in Boulder and Larimer Counties.

He now seeks authority to transfer said permit to Abe Ziegler, Denver, Colorado.

At the hearing in Denver, Colorado, February 14, 1949, it appeared that the consideration for the transfer of permit is the sum of Twenty-five Dollars (\$25.00) and that applicant transferee is the owner

of Permit No. B-3465, and desires that the authority under Permit No. B-1285 be consolidated with his present authority.

Ton-mile tax deposit is to be transferred to account of transferee.

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

It further appears that there are no outstanding unpaid operating obligations against the operating rights sought to be transferred.

The matter was taken under advisement.

F I N D I N G S

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

O R D E R

THE COMMISSION ORDERS:

That Henry Dupper, La Salle, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1285 to Abe Ziegler, Denver, Colorado.

That the right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him, or by transferee, of all unpaid ton-mile tax.

That authority under Permit No. B-1285 be, and hereby is, consolidated with authority presently held by transferee under Permit No. B-3465, and that said consolidated operation shall be known as "Permit No. B-3465."

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

That this order is made a part of the permit authorized to be transferred, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond C. Horton
John R. Barry
Joseph C. Hawley
Commissioners

DATED at Denver, Colorado,
this 24th day of February, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
M. A. PACKARD, 1030 JAY STREET, LAKE-)
WOOD, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PUC NO. 1752.)

APPLICATION NO. 9800

February 24, 1949

Appearances: E. B. Evans, Esq., Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

Applicant herein is the owner of certificate of public convenience and necessity (PUC No. 1752), which authorizes:

Transportation of newspapers, motion picture films and theater supplies, between Denver, Colorado, and Burlington, Colorado, and the Colorado-Kansas State Line, on U. S. Highway No. 24, and intermediate points, and transportation of said commodities from Denver to Holyoke via U. S. Highway No. 6, Holyoke to Wray via State Highway No. 51, Wray to Brush via U. S. Highway No. 34, with return to Denver from Brush over U. S. Highway No. 6, with the right to serve all intermediate points on said route.

On December 20, 1947, this authority was extended to include the right to transport:

Newspapers, on schedule, between Denver and Craig, via U. S. Highway No. 40 from Denver to a point about six miles west of Kremmling, Colorado, where said U. S. Highway No. 40 is intersected by State Highway No. 84, thence via State Highway No. 84 to Toponas, and State Highway No. 131, Toponas to intersection of State Highway No. 131 with U. S. Highway No. 40, about four miles east of Steamboat Springs, thence via U. S. Highway No. 40 to Craig, with the right to serve all intermediate points along said route.

On January 16, 1949, applicant filed application for authority to extend operations under PUC No. 1752 to include the right to transport newspapers from Denver, Colorado, to Louisville, Colorado, and to Boulder, Colorado.

The matter was set for hearing, and heard at 330 State Office Building, Denver, Colorado, on February 11, 1949, and there taken under advisement.

At the hearing, it appeared that applicant is now transporting newspapers to various other points in the State of Colorado, and is desirous of extending his territory. This service is desired by the Denver Post for delivery of the Post to its customers in the Louisville and Boulder territory.

It further appeared that applicant has net assets of \$7,458.43, according to his financial statement submitted at the hearing, being Exhibit No. 1, which by reference is made a part hereof, and has sufficient suitable equipment to adequately handle the extended operation.

F I N D I N G S

THE COMMISSION FINDS:

That present and future public convenience and necessity require, and will require, the proposed extended common carrier service of applicant by motor vehicle for hire over the route and serving the points hereinafter described, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle operations of applicant under PUC No. 1752, for the transportation of newspapers from Denver, Colorado, to Louisville, Colorado, and to Boulder, Colorado; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

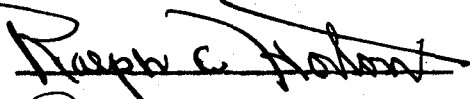
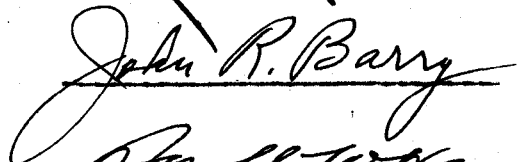
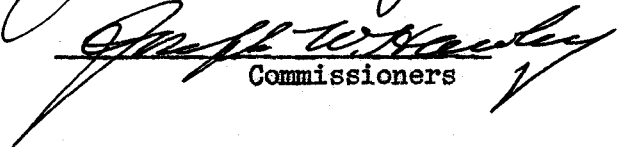
That applicant shall file tariffs of rates, rules, and regulations and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED AT DENVER, COLORADO,
THIS 24TH DAY OF FEBRUARY, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE WATER RATES, RULES AND REGULATIONS
OF THE NORTHFIELD LAND AND WATER
COMPANY.

} INVESTIGATION AND SUSPENSION
DOCKET NO. 276.

February 23, 1949

S T A T E M E N T

By the Commission:

IT APPEARING, That on June 12, 1947, the Northfield Land and Water Company, by Arleen W. Hughes, Vice-President and Treasurer, filed its rate schedule, to become effective July 12, 1947, said schedule being an increase in the minimum charges, only, for 5/8 inch and 3/4 inch meters, per month, from \$1.25 to \$1.50, and for 1-inch meters from \$2.50 to \$3.00. The said schedule was filed with the Commission on June 14, 1947, being twenty-eight days before the effective date.

IT FURTHER APPEARING, That by Decision No. 28604, of July 8, 1947, the said schedule was suspended for one-hundred and twenty days (120) from July 12, 1947, or until November 10, 1947, and that by Decision No. 29358, the effective date was further suspended from March 10, 1948, one hundred and twenty days, or until July 8, 1948, unless otherwise ordered.

IT FURTHER APPEARING, That by Decision No. 30851, of July 6, 1948, said schedule was further suspended for one hundred and twenty (120) days beginning with July 8, or until November 5, 1948, unless otherwise ordered.

IT FURTHER APPEARING, That by Decision No. 31457 of November 1, 1948, said schedule was further suspended for one hundred and twenty (120) days beginning with November 5, 1948, unless otherwise ordered.

IT FURTHER APPEARING, That the Commission will not be able to enter an order prior to March 4, 1949, and that investigation of all pertinent matters involved herein cannot be concluded prior to March 4, 1949,

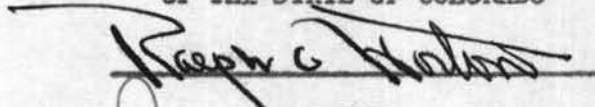
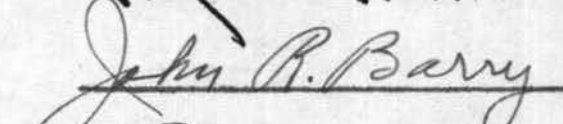

O R D E R

THE COMMISSION ORDERS:

That the effective date of rate schedule be further suspended for one hundred and twenty (120) days beginning March 4, 1949, or until July 2, 1949, unless otherwise ordered.

That a copy of this order be filed with the aforesaid rate schedule, and complaints filed therewith, and a copy hereof be forthwith served on Arleen W. Hughes, Vice-President and Treasurer, of the Northfield Land and Water Company, 509 Exchange National Bank Building, Colorado Springs, Colorado, and Verne V. Shaffer, of 131 Swope Avenue, Colorado Springs, Colorado, signer of the complaint filed with the Commission July 7, 1947.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. H. HAWKINS, STERLING, COLORADO,)
P.U.C. CERTIFICATE NO. 1161, FOR)
AUTHORITY TO INCREASE RATES.)

Application Nos.
3841 and 3842

February 23, 1949

Appearances: Munson and Kreager, Attorneys,
by Charles E. Kreager, Sterling,
Colorado, for Applicant;
T. S. Wood, for The Public Utilities
Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

This matter is before the Commission on an application from J. H. Hawkins, doing business as the Ace and Star Taxi Company, Sterling, Colorado, by Munson and Kreager, by Charles E. Kreager, for authority to increase the taxi fares in the City of Sterling and in contiguous territory as authorized under Certificate No. 1161.

The matter was set for hearing and was heard in the Logan County Court House in Sterling, Colorado, on Tuesday, February 8, 1949, at 9:30 A.M.

The present and proposed fares and rates are as follows:

	<u>One-Way</u>		<u>Round-Trip</u>	
	<u>Present</u>	<u>Proposed</u>	<u>Present</u>	<u>Proposed</u>
1 Passenger - - - - -	\$.15	\$.25	\$.25	\$.45
2 Passengers - - - - -	.25	.40	.35	.60
3 Passengers - - - - -	.30	.55	.40	.70
4 Passengers - - - - -	.40	.65	.50	.80

Ride Cards - Present - \$1.50 ride card at 10% discount.
" " - Proposed - 2.50 " " " " "

Package Delivery - Present - 10¢ in City Limits; \$1.00
Delivery card at 10% discount.
" " - Proposed - 25¢ in City Limits; \$2.50
Delivery card at 10% discount.

Country Drives

	<u>One-Way</u>			<u>Round-Trip</u>	
	<u>Present</u>	<u>Proposed</u>		<u>Present</u>	<u>Proposed</u>
1 Passenger --	\$.15, plus	\$.25, plus	:	\$.20, plus	\$.50, plus
	.15 per mi.	.20 per mi.	:	.10 per mi.	.20 per mi.
	after leav-	after leav-	:	after leav-	after leav-
	ing City	ing City	:	ing City	ing City
	Limits.	Limits.	:	Limits.	Limits.
	:	:	:	:	:

For each additional passenger - Present - \$.05 per passenger mile additional.
 " " " " - Proposed - \$.10 per passenger mile additional.

Minimum charge - Country Drives:

Present - \$.15, plus \$.10 up to one mile.
 Proposed - \$.25, plus \$.20 " " " "

All stops - Present - No charge.

" " - Proposed - \$.10 additional.

Waiting Time - Present - No charge.

" " - Proposed - \$3.00 per hour.

Witness Hawkins testified that the cost of operation had increased to the extent that without additional revenue, it was a grave question as to how long a time he could continue to operate. In support of his request for the increase, he submitted profit and loss statements and depreciation schedules for the years 1942 to 1948 inclusive.

Without setting out the details herein, the profit and loss statements show the following:

	: 1942 :	1943 :	1944 :	1945 :	1946 :	1947 :	1948 :
	:\$:\$:\$:\$:\$:\$:\$
Receipts:	10,790.45:	11,900.15:	15,971.00:	18,670.50:	20,302.60:	20,058.35:	21,971.05
Expenses:	8,871.35:	9,816.57:	13,214.40:	14,897.58:	17,311.09:	18,778.07:	20,302.84
Profit :	1,919.10:	2,083.58:	2,756.60:	3,772.92:	2,991.51:	1,280.28:	1,668.21

On the basis of the above receipts and expenses, the operating ratios are as follows:

: 82% : 82% : 83% : 80% : 85% : 94% : 92%

The drivers' wages, gasoline and oil expenses, in 1942 and 1943, represented 62% of the total expense; in 1944, 61%; 1945, 66%; 1946, 60%; 1947, 62% and 1948, 64%.

The receipts in 1948 were 203.6% of those in 1942, while the expenses were 228.8% of those in 1942.

The record shows that approximately three (3) % of the revenue is derived from the purchase of ride cards at the ten (10) % discount, and that approximately one (1) % of the business is in country drives.

A comparison of the prevailing taxi-fares in Ft. Morgan, Loveland, Greeley and Longmont are as follows:

*Ft. Morgan	- One passenger 25¢, each additional passenger 5¢.
Loveland	- 35¢ per trip, regardless of the number of passengers.
Greeley	- Zone 1 - 25¢ for 1st passenger, 15¢ for each add. passenger.
	- Zone 2 - 35¢ " " " " 15¢ " " " "
	- Zone 3 - 45¢ " " " " 15¢ " " " "
	Between zones, the higher rated zone rate applies.
Longmont	- 10¢ per passenger mile, subject to a minimum charge of 25¢ per trip.

* Under Home Rule.

Witness Hawkins testified that he has three to five regular drivers, depending upon the amount of business that is available, that he keeps himself in position at all times to take care of all the demands that are made upon him and what might be termed as a "stand-by" service.

It is obvious that in a taxicab business, in bad weather there are more calls than there are in good weather. That is a situation that is universal throughout the United States.

No one appeared in opposition to the application for the proposed increase and while we are mindful of the fact that we should guard the coffers of the taxpayers, we are also interested in keeping carriers as solvent as possible if we are to continue to permit an operation of a service that the public demands.

FINDINGS

THE COMMISSION FINDS:

That, on the record as made, the request for the increase as hereinbefore set forth, should be granted.


ORDER

IT IS ORDERED:

That, this order shall become effective forthwith; that the applicant, J. H. Hawkins, doing business as the Ace and Star Taxicab, be and he is hereby authorized to publish the rates and fares as hereinbefore set

forth in this statement, to become effective as of March 1, 1949, by not less than three (3) days' filing and posting in the manner prescribed in Section 16 of the Public Utilities Commission Act of 1913 as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Holton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado
this 23d day of February, 1949.

hn

original

(Decision No. 32211)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PUBLIC SERVICE COMPANY OF COLORADO)	
FOR A CERTIFICATE OF CONVENIENCE)	
AND NECESSITY TO EXERCISE FRANCHISE)	APPLICATION NO. 9760.
RIGHTS IN THE TOWN OF ARVADA, COUNTY)	
OF JEFFERSON, STATE OF COLORADO.)	
-----)	

February 24, 1949

Appearances: Lee, Bryans, Kelly and
Stansfield, Esqs., Denver,
Colorado, for Public Ser-
vice Company of Colorado;
J. M. McNulty, Denver, Colo-
rado, and
C. L. Flower, Denver, Colo-
rado, of the Public Utilities
Commission of the State of
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in the State of Colorado, and is engaged principally in the purchase, transmission, distribution and sale of electrical energy, and the purchase, transmission, distribution and sale of natural or manufactured gas. It is a gas utility subject to the jurisdiction of the Commission, its gas distributing system being wholly within the State of Colorado, its office and principal center of distribution and sale of gas being at Denver, Colorado. For many years past, and continuously since September, 1929, under authority of this Commission, it has served the Town of Arvada, it having been authorized to exercise franchise privileges granted by said town, and being the holder of a certificate of public convenience and necessity from this Commission, under Decision No. 2638, dated November 21, 1929.

3.

By this application, it seeks a new certificate of public convenience and necessity to exercise certain franchise rights granted to it by the Trustees of the Town of Arvada, Jefferson County, Colorado, in and by Ordinance No. 171, as well as the right to serve territory adjacent to said town, and to render service along the gas transmission line serving said town.

Public hearing was had at the Commission's Hearing Room, 330 State Office Building, on February 10, 1949, after appropriate notice, and the matter was taken under advisement.

It appeared that said Ordinance No. 171 was lawfully passed by the Trustees of the Town of Arvada, on October 11, 1948, and approved by the Mayor of said town; that said ordinance extends said franchise rights for a period of 25 years from and after its passage, said ordinance being effective October 13, 1948. That said ordinance extended franchise rights heretofore granted to Public Service Company of Colorado, a Colorado corporation, to locate, build, construct, acquire, purchase, extend, maintain and operate into, within, and through the Town of Arvada, Jefferson County, Colorado, a plant or plants, and works, for the purchase, manufacture, transmission and distribution of gas, either natural, artificial or mixed, and to furnish, sell and distribute said gas to the Town of Arvada, and the inhabitants thereof, for heating, cooking, or other purposes by means of pipes, mains, or otherwise, over, under, along, across, and through any and all streets, alleys, viaducts, bridges, roads, lanes, public ways and places, in said Town of Arvada, and fixing the terms and conditions thereof.

Applicant further seeks authority to serve the area immediately adjacent to said town and along the gas transmission line supplying gas to the Town of Arvada.

The terms and conditions of said Ordinance No. 171 were accepted in writing, by the applicant within five days after its passage. There is no other utility engaged in the business of distributing and selling gas in the Town of Arvada or its vicinity.

It further developed that there are between 450 and 500 customers in the Town of Arvada and adjacent territory to be served; that the company presently has an investment of approximately \$75,000.00, and that it does not contemplate any extensive improvements, save and except those necessary under its present extension policy on file with this Commission.

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

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the furnishing of gas for domestic, commercial and industrial uses and the distribution and sale thereof for heating, cooking, and other purposes for which gas is ordinarily used, to and among present and future inhabitants of the Town of Arvada, and to residents in the area immediately adjacent to said town, and along the gas transmission line supplying gas to the Town of Arvada, as their needs may require, by applicant, Public Service Company of Colorado, a Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the Town of Arvada, Colorado, in and by Ordinance No. 171, attached to the application herein as Exhibit "A", which by reference is made a part hereof, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:


That future public convenience and necessity require, and will require, the furnishing of gas, either natural, artificial or mixed, for domestic, commercial and industrial uses, and the sale thereof for heating, cooking, or other purposes for which gas is ordinarily used, to and among present and future inhabitants of the Town of Arvada, Colorado, and to residents in the area immediately adjacent to said town and along the gas transmission line supplying gas to the Town of Arvada, as their needs may require, by applicant, Public Service Company of Colorado, a

Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the Town of Arvada in and by Ordinance No. 171, attached to the application herein as Exhibit "A", which by reference is made a part hereof, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall install, operate and maintain its gas distribution system and supply service in the area heretofore designated in accordance with rate schedules, rules and regulations, and service connection and main extension policy as are now or hereafter in effect and on file with the Commission; its books and accounts shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits and operations, records of meters and complaints shall be in compliance with the Commission's requirements.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Hinton
John R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 24th day of February, 1949.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO EXERCISE FRANCHISE
RIGHTS IN THE TOWN OF EDGEWATER,
COUNTY OF JEFFERSON, STATE OF COLORADO.

APPLICATION NO. 9761.

February 24, 1949

Appearances: Lee, Bryans, Kelly and
Stansfield, Esqs.,
Denver, Colorado, for
Public Service Company
of Colorado;
J. M. McNulty, Denver,
Colorado, and
C. L. Flower, Denver, Colo-
rado, of the Public Utilities
Commission of the State of
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in the State of Colorado, and is engaged principally in the purchase, transmission, distribution and sale of electrical energy, and the purchase, transmission, distribution and sale of natural or manufactured gas. It is an electric and gas utility, subject to the jurisdiction of the Commission, its distributing systems being wholly within the State of Colorado, its office and principal center of distribution and sale of electricity and gas being at Denver, Colorado. For many years past, and since September, 1929, under authority of this Commission, it has served the Town of Edgewater, it having been authorized to exercise franchise privileges granted by the said town, and being the holder of a certificate of public convenience and necessity from this Commission, under Decision No. 2939, dated November 21, 1929. It has also engaged in the business of transmitting and distributing electricity to the Town of Edgewater.

By this application, it seeks a new certificate of public convenience and necessity to exercise certain franchise rights granted to it by the Board of Trustees of the said Town of Edgewater, Jefferson County, Colorado, in and by Ordinance No. 242, as well as the right to serve territory adjacent to said town, and to render service along the gas transmission line serving said town.

Public hearing was had at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on February 10, 1949, after appropriate notice, and the matter was taken under advisement.

It appeared that said Ordinance No. 242 was lawfully passed by the Trustees of the Town of Edgewater on December 7, 1948, and approved by the Mayor of said town; that said ordinance extends said franchise for a period of twenty-five years from and after its passage, said ordinance being effective December 8, 1948; that said ordinance extends franchise rights heretofore granted to Public Service Company of Colorado, a Colorado corporation, its successors and assigns, to locate, build, construct, acquire, purchase, extend, maintain and operate into, within and through the Town of Edgewater, Jefferson County, Colorado, a plant or plants and works, for the purchase, manufacture, generation, transmission and distribution of electrical energy, and gas, either natural, artificial or mixed, and to furnish, sell, and distribute said electrical energy and gas to the Town of Edgewater and the inhabitants thereof, for light, heat and power, or other purposes, by means of pipes, mains, conduits, cables, poles and wires strung thereon or otherwise, on, over, under, along, across and through all streets, alleys, viaducts, bridges, roads, lanes, and other public ways and places in said Town of Edgewater, and fixing the terms and conditions thereof.

Applicant further seeks authority to serve the area immediately adjacent to the town and along the gas transmission line serving gas to the Town of Edgewater.

The terms and conditions of said Ordinance No. 242 were accepted in writing by the applicant within five days after its passage. There is no other utility engaged in the business of distributing and selling gas and/or electricity in the Town of Edgewater, or its vicinity.

It further developed that there are approximately 700 gas customers in the Town of Edgewater, and approximately 800 electrical customers; that the company presently has an investment of approximately \$180,000.00, and that it does not contemplate any extensive improvements, save and except those necessary under its present extension policy on file with this Commission.

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

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require the furnishing of electricity and gas for domestic, commercial and industrial uses, and the distribution and sale thereof for heating, cooking, and other purposes for which electricity and gas are ordinarily used, to and among present and future inhabitants of the Town of Edgewater, and to residents in the area immediately adjacent to said town, and along the gas transmission line supplying gas to the Town of Edgewater, as their needs may require, by applicant Public Service Company of Colorado, a Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the Town of Edgewater, Colorado, in and by Ordinance No. 242, attached to the application herein as Exhibit "A" which, by reference, is made a part hereof, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That future public convenience and necessity require, and will require, the furnishing of electricity and gas, either natural, artificial or mixed, for domestic, commercial or industrial uses, and the sale thereof for heating, cooking, or other purposes for which electricity and gas are ordinarily used, to and among present and future inhabitants of the Town of Edgewater, Colorado, and to residents in the area immediately adjacent to said town, and along the gas transmission line supplying gas to the Town of Edgewater, as their needs may require, by applicant Public Service Company of Colorado, a Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the Town of Edgewater, in and by Ordinance No. 242, attached to the application herein as Exhibit "A" which, by reference, is made a part hereof,

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant shall install, operate and maintain its gas and electrical distribution systems and supply service in the area heretofore designated in accordance with rate schedules, rules and regulations, and service connection and main extension policies as are now or hereafter in effect and on file with the Commission; its books and accounts shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits and operations, records of meters and complaints, shall be in compliance with the Commission's requirements.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley
Commissioners. 2

Dated at Denver, Colorado,
this 24th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A CERTIFICATE OF CONVENIENCE)
AND NECESSITY TO EXERCISE FRANCHISE)
RIGHTS IN THE TOWN OF FORT LUPTON,)
COUNTY OF WELD, STATE OF COLORADO.)
-----)

APPLICATION NO. 9762.

February 24, 1949

Appearances: Lee, Bryans, Kelly and
Stansfield, Esqs., Denver,
Colorado, for Public Service
Company of Colorado;
J. M. McNulty, Denver, Colo-
rado, and
C. L. Flower, Denver, Colorado,
of the Public Utilities Com-
mission of the State of Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in the State of Colorado, and is engaged principally in the purchase, transmission, distribution and sale of electrical energy, and the purchase, transmission, distribution and sale of natural or manufactured gas. It is a gas utility subject to the jurisdiction of the Commission, its gas distributing system being wholly within the State of Colorado, its office and principal center of distribution and sale of gas being at Denver, Colorado. For many years past, and since March, 1931, under authority of this Commission, it has served the Town of Fort Lupton, it having been authorized to exercise franchise privileges granted by said town, and being the holder of a certificate of public convenience and necessity from this Commission, under Decision No. 3310, dated April 1, 1931.

By this application it seeks a new certificate of public convenience and necessity to exercise certain franchise rights granted to it by the Trustees of the Town of Fort Lupton, Weld County, Colorado, in and by Ordinance No. 211, as well as the right to service territory adjacent to said town, and to render gas service along the gas transmission line serving said town.

Public hearing was had at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on February 10, 1949, after appropriate notice, and the matter was taken under advisement.

It appeared that said Ordinance No. 211 was lawfully passed by the Trustees of the Town of Fort Lupton, on November 3, 1948, and approved by the Mayor of said town; that said ordinance extends said franchise rights for a period of twenty-five years from and after its passage, said ordinance being effective November 4, 1948; that said ordinance extends the franchise rights heretofore granted to Public Service Company of Colorado, a Colorado corporation, its successors and assigns, to locate, build, construct, acquire, purchase, extend, maintain, and operate into, within, and through the Town of Fort Lupton, Weld County, Colorado, a plant or plants and works, for the purchase, manufacture, transmission and distribution of gas, either natural, artificial or mixed, and to furnish, sell and distribute said gas to the Town of Fort Lupton and the inhabitants thereof, for heating, cooking, or other purposes, by means of pipes, mains, or otherwise, over, under, along, across, and through any and all streets, alleys, viaducts, bridges, roads, lanes, public ways and places in said Town of Fort Lupton, and fixing the terms and conditions thereof.

Applicant further seeks authority to serve the area immediately adjacent to said town and along the gas transmission line supplying gas to the Town of Fort Lupton. The terms and conditions of said Ordinance No. 211 were accepted in writing by applicant within five days after its passage. There is no other utility engaged in the business of distributing and selling gas in the Town of Fort Lupton, or its vicinity.

It further developed that there are approximately 300 customers in the Town of Fort Lupton; that the company presently has an investment of approximately \$40,000.00, and it does not contemplate any extensive improvements, save and except those necessary under its present extension policy on file with this Commission.

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

F I N I S H

THE COMMISSION FINDS:

That the public convenience and necessity require the furnishing of gas for domestic, commercial and industrial uses and the distribution and sale thereof for heating, cooking, and other purposes for which gas is ordinarily used, to and among present and future inhabitants of the Town of Fort Lupton, and to residents in the area immediately adjacent to said town, and along the gas transmission line supplying gas to the Town of Fort Lupton, as their needs may require, by applicant, Public Service Company of Colorado, a Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the Town of Fort Lupton, Colorado, in and by Ordinance No. 211, attached to the application herein as Exhibit "A", which by reference is made a part hereof, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That future public convenience and necessity require, and will require, the furnishing of gas, either natural, artificial or mixed, for domestic, commercial and industrial uses, and the sale thereof for heating, cooking, or other purposes for which gas is ordinarily used, to and among present and future inhabitants of the Town of Fort Lupton, Colorado, and to residents in the area immediately adjacent to said town and along the gas transmission line supplying gas to the Town of Fort Lupton, as their needs may require, by applicant Public Service Company of Colorado, a Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the Town of Fort Lupton, in and by Ordinance No. 211, attached to

the application herein as Exhibit "A", which by reference is made a part hereof, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant shall install, operate and maintains its gas distribution system and supply service in the area heretofore designated in accordance with rate schedules, rules and regulations, and service connection and main extension policy as are now or hereafter in effect and on file with the Commission; its books and accounts shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits and operations, records of meters and complaints, shall be in compliance with the Commission's requirements.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond C. Hutton

John R. Berry

Joseph C. Hawley
Commissioner

Dated at Denver, Colorado,
this 24th day of February, 1949.

es

(Decision No. 32214)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO EXERCISE FRANCHISE
RIGHTS IN THE CITY OF LOVELAND,
COUNTY OF LARIMER, STATE OF COLORADO.

APPLICATION NO. 9763.

February 24, 1949

Appearances: Lee, Bryans, Kelly and
Stansfield, Esqs., Denver,
Colorado, for Public Service
Company of Colorado;
J. M. McNulty, Denver, Colo-
rado, and
C. L. Flower, Denver, Colorado,
of the Public Utilities Com-
mission of the State of Colo-
rado, for the Commission.

S T A T E M E N TBy the Commission:

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in the State of Colorado, and is engaged principally in the purchase, transmission, distribution and sale of electrical energy, and the purchase, transmission, distribution and sale of natural or manufactured gas. It is a gas utility subject to the jurisdiction of the Commission, its gas distributing system being wholly within the State of Colorado, its office and principal center of distribution and sale of gas being at Denver, Colorado. For many years past, and since February, 1930, under authority of this Commission, it has served the City of Loveland, it having been authorized to exercise franchise privileges granted by said city, and being the holder of a certificate of public convenience and necessity from this Commission under Decision No. 2882, dated May 8, 1930.

By this application, it seeks a new certificate of public convenience and necessity to exercise certain franchise rights granted to it

by the Trustees of the City of Loveland, Larimer County, Colorado, in and by Ordinance No. 427, as well as the right to serve territory adjacent to said city, and to render service along the gas transmission line serving said city.

Public hearing was had at the Commission's Hearing Room, 330 State Office Building, on February 10, 1949, after appropriate notice, and the matter was taken under advisement.

It appeared that said Ordinance No. 427 was lawfully passed by the Trustees of the City of Loveland, on November 2, 1948, and approved by the Mayor of said city; that said ordinance extends said franchise rights for a period of twenty-five years from and after its passage, said ordinance being effective November 4, 1948. That said ordinance extended franchise rights heretofore granted to Public Service Company of Colorado, a Colorado corporation, to locate, build, construct, acquire, purchase, extend, maintain and operate into, within and through the City of Loveland, Larimer County, Colorado, a plant or plants, and works, for the purchase, manufacture, transmission and distribution of gas, either natural, artificial or mixed, and to furnish, sell and distribute said gas to the City of Loveland, and the inhabitants thereof, for heating, cooking, or other purposes by means of pipes, mains, or otherwise, over, under, along, across, and through any and all streets, alleys, viaducts, bridges, roads, lanes, public ways and places, in said City of Loveland, and fixing the terms and conditions thereof.

Applicant further seeks authority to serve the area immediately adjacent to said city and along the gas transmission line supplying gas to the City of Loveland. The terms and conditions of said Ordinance No. 427 were accepted in writing by the applicant within five days thereafter.

It further developed that there are approximately 1400 customers in the City of Loveland; that the company presently has an investment of approximately \$200,000.00, and that it does not contemplate any extensive improvements, save and except those necessary under its present extension policy on file with this Commission.

No one appeared in opposition to the granting of the authority sought, however, the Highway Gas Company, through its attorney, I. L. Quiat, filed a Special Consent, it having a certificate to serve in the adjacent

area west of the City of Loveland, to the effect that the said Highway Gas Company has no objection to the granting of this certificate of public convenience and necessity, provided the following limitation is inserted, to-wit:

"Provided that applicant (Public Service Company of Colorado) shall not interfere with the operation or natural growth and development of said Highway Gas Company in the adjacent area west of the City of Loveland."

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the furnishing of gas for domestic, commercial and industrial uses and the distribution and sale thereof for heating, cooking, and other purposes for which gas is ordinarily used, to and among present and future inhabitants of the City of Loveland, and to residents in the area immediately adjacent to said city, and along the gas transmission line supplying gas to the City of Loveland, as their needs may require, by applicant Public Service Company of Colorado, a Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the City of Loveland, Colorado, in and by Ordinance No. 427, attached to the application herein as Exhibit "A", which by reference is made a part hereof, but that Public Service Company of Colorado shall not interfere with the operation or natural growth and development of said Highway Gas Company in the adjacent area west of the City of Loveland, and that a certificate of public convenience and necessity should issue therefor, as above limited.

O R D E R

THE COMMISSION ORDERS:

That future public convenience and necessity require, and will require, the furnishing of gas, either natural, artificial or mixed, for domestic, commercial and industrial uses, and the sale thereof for heating, cooking, or other purposes for which gas is ordinarily used, to and among present and future inhabitants of the City of Loveland, Colorado, and to residents of the area immediately adjacent to the said city and along the gas transmission line supplying gas to the City of Loveland, as their needs may require, by applicant Public Service Company of Colorado, a Colorado corporation,

and the exercise by it of the franchise rights granted by the Trustees of the City of Loveland in and by Ordinance No. 427, attached to the application herein as Exhibit "A", which by reference is made a part hereof, provided, however, that said Public Service Company of Colorado shall not interfere with the operation or natural growth and development of said Highway Gas Company in the adjacent area west of the City of Loveland, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor, as so limited.

That applicant shall install, operate and maintain its gas distribution system and supply service in the area heretofore designated in accordance with rate schedules, rules and regulations, and service connection and main extension policy as are now or hereafter in effect and on file with the Commission; its books and accounts shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits and operations, records of meters and complaints, shall be in compliance with the Commission's requirements.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hoban

John R. Barry

Joseph W. Kealey
Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO EXERCISE FRANCHISE
RIGHTS IN THE TOWN OF MOUNTAIN VIEW,
COUNTY OF JEFFERSON, STATE OF COLORADO.

}
} APPLICATION NO. 9764.
}
}
}

February 24, 1949

Appearances: Lee, Bryans, Kelly and
Stansfield, Esqs., Denver,
Colorado, for Public Service
Company of Colorado;
J. M. McNulty, Denver, Colo-
rado, and
G. L. Flower, Denver, Colorado,
of the Public Utilities Com-
mission of the State of Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

Applicant is a corporation duly organized and existing under the laws of the State of Colorado, with authority to do business in the State of Colorado, and is engaged principally in the purchase, transmission, distribution and sale of electrical energy, and the purchase, transmission, distribution and sale of natural or manufactured gas. It is an electric and gas utility, subject to the jurisdiction of the Commission, its distributing systems being wholly within the State of Colorado, its office and principal center of distribution and sale of electricity and gas being at Denver, Colorado. For many years past, and continuously since July, 1929, under authority of this Commission, it has served the Town of Mountain View, it having been authorized to exercise franchise privileges granted by the said town, and being the holder of a certificate of public convenience and necessity from this Commission, under Decision No. 2640, dated November 21, 1929. It has also engaged in the business of transmitting and distributing electricity to the Town of Mountain View.

By this application, it seeks a new certificate of public convenience and necessity to exercise said franchise rights granted to it by the Board of Trustees of the said Town of Mountain View, Jefferson County, Colorado, in and by Ordinance No. 54, as well as the right to serve territory adjacent to said town, and to render service along the gas transmission line serving said town.

Public hearing was had at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on February 10, 1949, after appropriate notice, and the matter was taken under advisement.

It appeared that said Ordinance No. 54 was lawfully passed by the Trustees of the Town of Mountain View, on December 6, 1948, and approved by the Mayor of said town; that said ordinance extends said franchise rights for a period of twenty-five years from and after its passage, said ordinance being effective December 8, 1948; that said ordinance extends franchise rights heretofore granted to Public Service Company of Colorado, a Colorado corporation, its successors and assigns, to locate, build, construct, acquire, purchase, extend, maintain and operate into, within, and through the Town of Mountain View, Jefferson County, State of Colorado, a plant or plants and works, for the purchase, manufacture, generation, transmission and distribution of electrical energy, and gas, either natural, artificial or mixed, and to furnish, sell, and distribute said electrical energy and gas to the Town of Mountain View and the inhabitants thereof, for light, heat and power, or other purposes, by means of pipes, mains, conduits, cables, poles and wires strung thereon or otherwise, on, over, under, along, across and through all streets, alleys, viaducts, bridges, roads, lanes, and other public ways and places in said Town of Mountain View, and fixing the terms and conditions thereof.

Applicant further seeks authority to serve the area immediately adjacent to the town and along the gas transmission line serving gas to the Town of Mountain View. The terms and conditions of said Ordinance No. 54 were accepted in writing by the applicant within five days after its passage. There is no other utility engaged in the business of distributing and selling gas or electrical energy in the Town of Mountain View, or its vicinity.

It further developed that there are approximately 240 gas customers in the Town of Mountain View, and approximately 275 electrical customers; that the company presently has an investment of approximately \$60,000.00, and that it does not contemplate any extensive improvements, save and except those necessary under its present extension policy on file with this Commission.

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

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require the furnishing of electricity and gas for domestic, commercial and industrial uses, and the distribution and sale thereof for heating, cooking, and other purposes for which electricity and gas are ordinarily used, to and among present and future inhabitants of the Town of Mountain View, and to residents in the area immediately adjacent to said town, and along the gas transmission line supplying gas to the Town of Mountain View, as their needs may require, by applicant Public Service Company of Colorado, a Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the Town of Mountain View, Colorado, in and by Ordinance No. 54, attached to the application herein as Exhibit "A" which, by reference, is made a part hereof, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That future public convenience and necessity require, and will require, the furnishing of electricity and gas, either natural, artificial or mixed, for domestic, commercial or industrial uses, and the sale thereof for heating, cooking, or other purposes for which electricity and gas are ordinarily used, to and among present and future inhabitants of the Town of Mountain View, Colorado, and to residents in the area immediately adjacent to said town, and along the gas transmission line supplying gas to the Town of Mountain View, as their needs may require, by applicant Public Service Company of Colorado, a

Colorado corporation, and the exercise by it of the franchise rights granted by the Trustees of the Town of Mountain View, in and by Ordinance No. 54, attached to the application herein as Exhibit "A" which, by reference, is made a part hereof, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant shall install, operate and maintain its gas and electrical distribution systems and supply service in the area heretofore designated in accordance with rate schedules, rules and regulations, and service connection and main extension policies as are now or hereafter in effect and on file with the Commission; its books and accounts shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits and operations, records of meters and complaints, shall be in compliance with the Commission's requirements.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Nelson

Julius R. Barry

Joseph W. Hickey

Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JULIUS BUSSARD, DOING BUSINESS AS)
"BUSSARD TAXI AND BUS SERVICE,")
ENGLEWOOD, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY.)

APPLICATION NO. 9609

February 25, 1949

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicant;
Earl J. Hower, Esq., Denver,
Colorado, for Denver-South
Platte Transportation
Company.

S T A T E M E N T

By the Commission:

On October 13, 1948, applicant herein filed application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers by bus, on schedule, in the City of Englewood and on certain routes which, for short distances, cross the City Limits.

Protest was filed by Denver-South Platte Transportation Company.

The above matter was set for hearing on October 25, 1948, at 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, the evidence disclosed that applicant herein, in Applications Nos. 5875-A, and 2089-AB-A-AAA, by Decision No. 21599, acquired the certificate previously issued to Maurice E. Hill, authorizing the exercise of franchise rights for the transportation of:

passengers by bus on schedule, in the City of
Englewood,

and since 1943, has been, and now is, carrying on said operation.

Applicant has franchise rights in the City of Englewood for the transportation of passengers by bus on schedule in said city.

Applicant is presently operating four routes as more clearly set forth in Exhibits A, B, C, and D. No protest is made to the operation shown on Exhibit D, and it therefore appears that this service is in the public interest, and needs no further comment in this order.

In reviewing the history of the operation, it appears that in Application No. 2089, Decision No. 4956, the Commission granted authority to applicant's predecessor to engage in the transportation of:

passengers from point to point in the City of Englewood, Colorado.

It also appears from the record that applicant's designated routes run, in part, along the boundary lines of the City of Englewood; that Broadway in Englewood, between Union Street and Quincy Street, Quincy Street between Broadway and Bannock, Clarkson Street between Union and Nassau, Downing Street between Girard and Dartmouth, are on the boundary lines of Englewood, and one-half of each street is in Englewood, and the other one-half of each of the street is in Arapahoe County. It further appears that applicant, by reversing his proposed Route No. 1, would travel Broadway between Layton and Quincy from south to north, and not be outside of the City Limits of Englewood, except for that portion between Union and Layton. Applicant agreed that he could reverse his routes and be in the City of Englewood except in a few places.

Applicant presented several witnesses to testify as to the need for extension of applicant's service, among whom were the following: Edward J. Vincent, 2645 South Lincoln Street, who stated the additional service given by applicant is needed. Basil Olson, of 4780 South Bannock Street, who also stated that the service was needed by his family -- especially to get to and from school. Other witnesses corroborated their testimony. Mrs. Hodges, of 4690 South Broadway, stated the Bussard service was the only early morning service they had; that, on occasions, they also used the Littleton Bus, but that it was inconvenient, and was "all right if you were not in a hurry."

H. W. Harpner, President and Manager of the Denver-South Platte Transportation Company, which position he has occupied since 1926, testified he is presently operating under PUC No. 50; that in 1908, a street car service was inaugurated between Denver and Littleton, which was discontinued in 1926, at which time the Denver-South Platte Transportation Company instituted its present service. It also appears that said Denver-South Platte Transportation Company makes forty-six one-way trips between 6:30 o'clock A. M. and 12:30 o'clock A. M., service varying from one-half-hour to hourly between Littleton and Denver, said service being operated on South Broadway. Mr. Harpner contended that the granting of the instant application would result in a division of patronage, resulting in a reduction of travel and passengers carried by his company, and would thereby impair his service to the public. He stated that, in his judgment, there is not sufficient patronage to maintain or justify any service between the South City Limits of Englewood and the bus terminal in the City of Englewood and intervening points on and along South Broadway. Protestant further feared that it will impair his present service offered between Littleton and Englewood, requiring him to eliminate some of his schedules.

The question before the Commission resolves to the problem: "Does the public convenience and necessity require the routes, as substantially outlined in the instant application, where the granting of said application would tend to impair the efficiency of line-haul services of carrier presently serving a portion of the territory, thereby offering a duplicate service for several blocks, over which applicant is not now authorized to serve?"

The Commission, after carefully reviewing the record, can see only one solution to the problem, and that is to authorize a service that, in our judgment, will better serve the public needs.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require, and will require, the extension of PUC No. 1450 of applicant, Julius Bussard, doing business

as "Bussard Taxi and Bus Service," as more particularly set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

ORDER

THE COMMISSION ORDERS:

That public convenience and necessity require the extension of the scheduled motor vehicle bus services of applicant, Julius Bussard, doing business as "Bussard Taxi and Bus Service," Englewood, Colorado, under his PUC No. 1450, authorizing transportation of passengers over the following routes:

Route No. 1:

Beginning at the southeast corner of Broadway and Girard Street in the City of Englewood; thence east along Girard Street to Lincoln Street; thence south along Lincoln Street to Hampden Street; thence west along Hampden Street to Bannock Street; thence south along Bannock Street to Oxford Street; thence west along Oxford Street to Elati Street; thence south along Elati Street to Quincy Street; thence east along Quincy Street to Delaware Street; thence south along Delaware Street to Layton Street; thence east along Layton Street to Broadway; thence north along Broadway to Quincy Street; thence west along Quincy Street to Bannock Street; thence north along Bannock Street to the place of beginning.

Route No. 2:

Beginning at southeast corner of Broadway and Girard Streets in Englewood; thence east along Girard Street to Lincoln Street; thence south along Lincoln Street to Hampden Street; thence east along Hampden Street to Logan Street; thence south along Logan Street to Layton Street; thence east along Layton Street to Clarkson Street; thence north along Clarkson Street to Nassau Street; thence west along Nassau Street to Logan Street; thence north along Logan Street to Hampden Street; thence west along Hampden Street to Broadway; thence along Broadway to Place of beginning.

Route No. 3:

Beginning at southeast corner of Broadway and Girard Street; thence east along Girard Street to Lincoln Street; thence south along Lincoln Street to Hampden Street; thence east along Hampden Street to Downing; thence north along Downing Street to Dartmouth; thence west along Dartmouth Street to Clarkson Street; thence north along Clarkson Street to Yale Street; thence east along Yale Street to University Boulevard; thence on a turn around at University Boulevard back along said above described route to place of beginning.

Route No. 4:

Beginning at Broadway and Girard Streets; thence east along Girard Street to Lincoln Street; thence south along Lincoln Street to Hampden Street; thence east along Hampden Street to Downing Street; thence north along Downing Street to Dartmouth Street; thence west along Dartmouth Street to Clarkson Street; thence north along Clarkson Street to Yale Street; thence east along Yale Street to University Boulevard; then back along above described route from University Boulevard to Downing Street and Hampden Street; thence west along Hampden Street to Broadway; thence north on Broadway to Girard Street, the place of beginning,

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

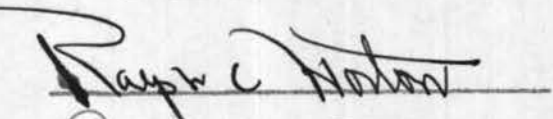
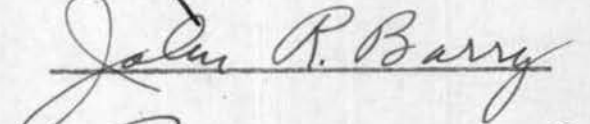
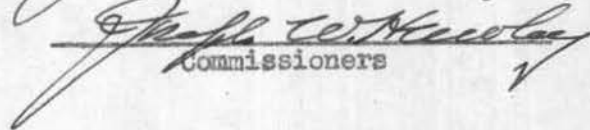
The applicant shall file tariffs of rates, rules and regulations, and time and distance schedules as required by the rules and regulations of this Commission within twenty (20) days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BERT HALL, DOING BUSINESS AS "HALL)
TRUCK COMPANY," PARKER, COLORADO,)
FOR AUTHORITY TO TRANSFER A PORTION) APPLICATION NO. 9801-Transfer.
OF PUC NO. 491 TO HAROLD W. ERICK-)
SON, KIOWA, COLORADO.)
-----)

February 24, 1949

Appearances: Bert Hall, Parker,
Colorado, pro se;
Harold W. Erickson,
Kiowa, Colorado,
pro se.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, February 14, 1949, and was there taken under advisement.

By the instant application, Bert Hall, doing business as "Hall Truck Company," Parker, Colorado, seeks authority to transfer to Harold W. Erickson, Kiowa, Colorado, that portion of PUC No. 491 which authorizes the transportation of:

milk and cream on daily schedule to Denver and Englewood from points in an area bounded on the north by a line drawn east and west through a point on State Highway No. 83 located six miles south of Franktown; on the west and east by parallel lines, one drawn two miles west of, and the other drawn four miles east of, said State Highway No. 83; and on the south by a line drawn from east to west through a point on said State Highway No. 83, fifteen miles south of the Village of Franktown, and all of that portion of PUC No. 491 lying east of the Douglas-Elbert County Line, and being within a radius of six miles of said Village of Franktown, Colorado.

Transferee requests that said operating rights, if transfer herein sought is authorized, be consolidated with PUC No. 1832.

No protests were interposed to granting of the authority sought.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Bert Hall, doing business as "Hall Truck Company," Parker, Colorado, be, and he hereby is, authorized to transfer to Harold W. Erickson, Kiowa, Colorado, all his right, title, and interest in and to that portion of PUC No. 491 which authorizes the transportation of:

milk and cream on daily schedule to Denver and Englewood from points in an area bounded on the north by a line drawn east and west through a point on State Highway No. 83 located six miles south of Franktown; on the west and east by parallel lines, one drawn two miles west of, and the other drawn four miles east of, said State Highway No. 83; and on the south by a line drawn from east to west through a point on said State Highway No. 83, fifteen miles south of the Village of Franktown, and all of that portion of PUC No. 491 lying east of the Douglas-Elbert County Line, and being within a radius of six miles of said Village of Franktown, Colorado,

said operating rights to be consolidated with and operated under PUC No. 1832.

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

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate up to the time of the transfer of said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES' COMMISSION
OF THE STATE OF COLORADO

Joseph C. [Signature]

John R. Barry

Joseph C. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. T. BERRY, DOING BUSINESS AS)
"BILL BERRY MOTOR COMPANY,")
1001 MAIN STREET, CANON CITY,)
COLORADO.)
-----)

CASE NO. 41366-INS.
(Permit No. C-17721)

February 24, 1949

S T A T E M E N T

By the Commission:

On March 17, 1948, in Case No. 41366-Ins., the Commission entered an order revoking Permit No. C-17721, for failure to keep on file effective insurance.

Proper insurance filing was made without lapse, within the five-day period of grace, and is now on file showing continuous coverage from January 12, 1948, to January 12, 1950. Under the circumstances, the order of revocation should be set aside.

F I N D I N G S

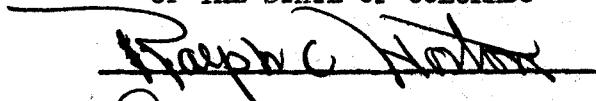
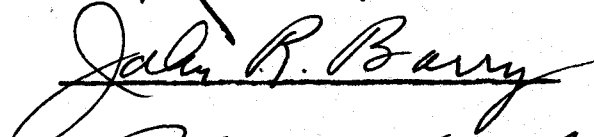

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 41366-Ins., should be cancelled and set aside, and said Permit No. C-17721 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 41366-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-17721 restored to its former status as of March 17, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. GWIN, ROUTE 5, GRAND) CASE NO. 43902-INS.
JUNCTION, COLORADO.) (Permits Nos. B-3758 and C-20277)
-----)

February 24, 1949

S T A T E M E N T

By the Commission:

On September 27, 1948, in Case No. 43902-INS., the Commission entered an order revoking Permits Nos. B-3758 and C-20277, for failure to keep on file effective insurance covering all parties during the process of transferring the permits. However, it was agreed to set aside the revocation, provided proper insurance filing was made, as requested, without lapse. This filing has now been made and is in order, therefore, order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 43902-Ins., should be cancelled and set aside and said Permits Nos. B-3758 and C-20277 restored to their former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 43902-Ins., should be, and it hereby is, cancelled and set aside, and said Permits Nos. B-3758 and C-20277 restored to their former status as of September 27, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hottel

John B. Barry

Joseph J. Healey
Commissioners. 7

Dated at Denver, Colorado,
this 24th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK ZAVERL, ROUTE 1, BOX 82,) CASE NO. 45161-INS.
SALIDA, COLORADO.) (Permit No. C-22349)
-----)

February 24, 1949

S T A T E M E N T

By the Commission:

On February 2, 1949, in Case No. 45161-Ins., the Commission entered an order revoking Permit No. C-22349, for failure to keep on file effective insurance.

Proper insurance filing was made within the five-day period of grace allowed in the order, and order of revocation should be set aside.

F I N D I N G S

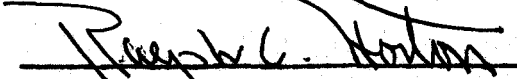
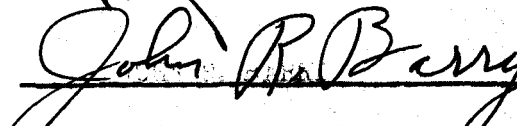

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 45161-Ins., should be cancelled and set aside and said Permit No. C-22349 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 45161-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-22349 restored to its former status as of February 2, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE BARBER AND GERALD WAGNER,)
DOING BUSINESS AS "BARBER AND)
WAGNER," PO BOX 249, STEHLING,)
COLORADO.)
-----)

PERMIT NO. B-1492.

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE BARBER AND GERALD WAGNER,)
DOING BUSINESS AS "BARBER AND)
WAGNER," PO BOX 249, STERLING,)
COLORADO.)
-----)

CERTIFICATE NO. PUC-1762-I.

February 25, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittees requesting that their Permit No. B-1492, as well as their Certificate of Public Convenience and Necessity No. 1762-I be suspended for six months from February 4, 1949.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That George Barber and Gerald Wagner, doing business as "Barber and Wagner," be, and they are hereby authorized to suspend operations under Permit No. B-1492 and PUC-1762-I until August 2, 1949.

That unless said George Barber and Gerald Wagner, doing business as "Barber and Wagner," shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit and certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private permits and common carrier certificates, said permit and certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 25th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT PETITION OF)
LARSON TRANSPORTATION COMPANY, RIO)
GRANDE MOTOR WAY, INC. AND J. W. HAYDEN)
AND WESLEY E. HAYDEN, DOING BUSINESS AS)
UINTAH STAGE LINE, FOR AUTHORITY TO)
CONTINUE JOINT THROUGH RATES BETWEEN)
DENVER, MEEKER AND RANGELY, COLORADO.)

CASE NO. 1535

February 24, 1949

Appearances: T. A. White, Esq., Box 2040, Denver 1, Colo.,
for petitioners;
E. B. Evans, Esq., Symes Bldg., Denver 2, Colo.,
for Harry Harp, doing business as Harp
Transportation Company;
A. J. Fregeau, for Weicker Transfer & Storage Co.,
Denver, Colorado.;
A. J. Tait, for Comet Motor Express and Ringsby
Truck Lines, Inc., 3262 Blake St., Denver, Colo.;
J. R. Smith, for the Colorado Motor Carriers'
Association, Denham Bldg., Denver, Colo.;
T. S. Wood, for The Public Utilities Commission
of the State of Colorado.

S T A T E M E N T

By the Commission:

This matter is before the Commission on a petition from the above named petitioners by T. A. White, their attorney, for authority to continue joint through rates on the basis of the through distance between Denver, Colorado, on the one hand, and Meeker and Rangely, Colorado, on the other hand. The Commission has prescribed in Case No. 1535, the following rule: "All motor vehicle common carriers shall receive from and deliver to connecting line motor vehicle common carriers freight originating at or destined to points on such connecting line motor vehicle common carriers. Where a route is operated by a single line motor vehicle common carrier, joint through rates shall not be made by combination of carriers on the basis of the through mileage except by specific order of the Commission in each individual case."

In application No. 9003, decision No. 31711, dated December 16, 1948, the Commission authorized an extension of the certificate of Harry Harp, doing

business as Harp Transportation Company, wherein said Harp was authorized to transport freight on schedule between Denver, Colorado and Rangely, Colorado and the Rangely Oil Field and certain intermediate points including the intermediate point of Meeker, Colorado, which had the effect of establishing scheduled service between said points as a single line motor vehicle common carrier such as the service contemplated under the rule hereinbefore set forth.

Prior to the decision in application No. 9008, through joint rates were in effect on the basis of the through distance between Denver and Meeker in connection with the Rio Grande Motor Way, Inc., Rifle, Colorado, and Harp Transportation; also via Larson Transportation Company, Craig, Colorado, and Uintah Stage Lines and between Denver, Colorado and Rangely, Colorado via Rio Grande Motor Way, Inc., Grand Junction, Colorado, and Uintah Stage Line; also via Larson Transportation Company, Craig, Colorado, and Uintah Stage Lines.

At the hearing, the Harp Transportation Company, through its attorney, stated that it had no objection to the continuation of the arrangement of making through rates on the basis of the through distance, provided joint through rates would be established to and from Rangely, Colorado in connection with the Rio Grande Motor Way, Denver to Rifle and Harp Transportation Company, Rifle to Rangely, which was agreeable to the petitioners.

Inasmuch as all parties involved were in agreement, the hearing was closed and the matter taken under advisement by the Commission.

F I N D I N G S

THE COMMISSION FINDS:


That, joint through routes between Denver and Meeker and Rangely should be continued in force and effect on the basis now prevailing; that in addition, a joint through route should be established between Denver and Rangely in connection with the Rio Grande Motor Way, Inc., Denver to Rifle, and Harp Transportation Company, Rifle to Rangely, and that rates to and from Denver under said route should be established on the basis of the through distance.

O R D E R

THE COMMISSION ORDERS:

That, through routes between Denver, Colorado, on the one hand, and Meeker and Rangely, Colorado, on the other hand, shall be established as follows: (1) Between Denver and Meeker, Colorado - Rio Grande Motor Way, Denver to Rifle, Colorado; Harp Transportation Company, Rifle to Meeker; Larson Transportation Company, Denver to Craig; Uintah Stage Line, Craig to Meeker, or the reverse. (2) Between Denver, Colorado and Rangely, Colorado - Rio Grande Motor Way, Denver to Grand Junction; Uintah Stage Lines, Grand Junction to Rangely; Rio Grande Motor Way, Denver to Rifle; Harp Transportation Company, Rifle to Rangely; Larson Transportation Company, Denver to Craig; Uintah Stage Lines, Craig to Rangely, or the reverse; that joint through rates shall be established between said points and via said routes on the basis of the through distance; that said rates and routes shall be established on or before March 15, 1949 upon notice to this Commission and to the general public by not less than five (5) days' filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913; that the order entered in Case No. 1535 on February 15, 1936, as since amended, shall continue in force until the further order of the Commission; that jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Holton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado
this 24th day of February, 1949.

hn

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. R. MARTIN, PO BOX 543,)
HAYS, KANSAS.)
)
)
)
)

PERMIT NO. B-1465-I.

February 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
L. R. Martin,-----
requesting that Permit No. B-1465-I-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-1465-I-----, heretofore issued to-----
L. R. Martin,-----be,
and the same is hereby, declared cancelled effective January 12, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DOYLE STIGALL, 650 LIPAN ST.,)
DENVER 4, COLORADO.)

PERMIT NO. B-3375.

February 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Doyle Stigall,
requesting that Permit No. B-3375 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3375, heretofore issued to.....
Doyle Stigall, be,
and the same is hereby, declared cancelled effective January 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
N. O. DILLNER, RT 1, BOX 27,)
ERIE, COLORADO.)

PERMIT NO. B-3940.

February 25, 1949

S T A T E M E N T

By the Commission:

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

N. O. Dillner,

requesting that Permit No. B-3940 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3940, heretofore issued to.....

N. O. Dillner, be,

and the same is hereby, declared cancelled effective February 6, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John H. B...
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. L. WIDERGREN, 3240 W. HAYWARD)
PLACE, DENVER, COLORADO.) PERMIT NO. B-3611.
-----)

February 25, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3611 be suspended for six months from January 22, 1949.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That M. L. Widergren be, and he is hereby, authorized to suspend his operations under Permit No. B-3611 until July 22, 1949.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 25th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY M. FLEMING, KIMBALL, NEBR-) PERMIT NO. C-2661.
ASKA.)
-----)

RE MOTOR VEHICLE OPERATIONS OF)
GUY M. FLEMING, KIMBALL, NEBR-) PUC NO. 856-I.
ASKA.)
-----)

February 28, 1949

S T A T E M E N T

By the Commission:

On September 27, 1948, in Case No. 43486-Ins., the Commission entered an order revoking Permit No. C-2661 and PUC No. 856-I, for failure to keep on file effective insurance.

Insurance was filed showing a period of lapse of three months but was not accepted, and PUC authority was revoked. Mr. Fleming, however, stated this was in error as he had paid for insurance without lapse. Provided this was erroneous dating and the insurance company would so advise, it was agreed to set aside the revocation. Insurance has now been corrected eliminating any lapse, and order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 43486-Ins., should be cancelled and set aside, and said Permit No. C-2661 and PUC-856-I restored to their former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 43486-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-2661 and PUC-856-I restored

to their former status as of September 27, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hooton
John R. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY E. BUNCH, 714 SOUTH SAWATCH)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 9769-PP.
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

February 28, 1949

Appearances: A. J. Fregeau, Denver,
Colorado, for Weicker
Transfer and Storage
Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at Colorado Springs, Colorado, February 17, 1949, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestant moved that said application be dismissed for lack of prosecution.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution,

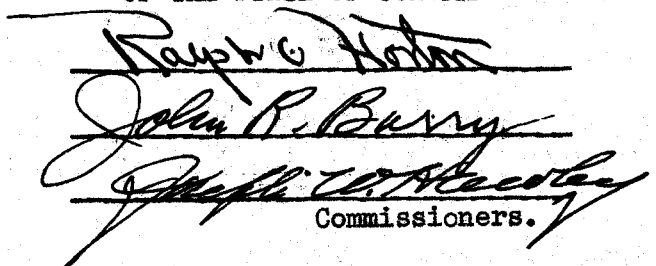
O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
COLBURN MOTOR TOURS, INC., 115)	
NORTH CASCADE AVENUE, COLORADO)	
SPRINGS, COLORADO, FOR AUTHORITY TO)	<u>APPLICATION NO. 9787-Transfer.</u>
TRANSFER PUC NO. 431 TO THE CRIPPLE)	
CREEK-VICTOR AND COLORADO SPRINGS)	
STAGE COMPANY, 550 CARLTON BUILDING,)	
COLORADO SPRINGS, COLORADO.)	
-----)	

February 28, 1949

Appearances: Thomas M. Burgess, Esq.,
Colorado Springs, Colo-
rado, for applicants.

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 3141,
Edgar A. Armentrout acquired from J. T. Simmons, Jr., the operating rights
acquired by said Simmons by Decision No. 2582, being the authority to transport:
passengers between Green Mountain Falls and Colo-
rado Springs, during the summer season, only.

By Decision No. 1284, of date June 3, 1927, said Armentrout
was authorized to extend his operations under said certificate (PUC No. 431)
to include the right to transport:

baggage, during the seasonal period of June 15
to September 15, both inclusive, between the
Towns of Green Mountain Falls and Cascade and
the City of Colorado Springs, subject to the
following terms and conditions: (a) That he
render the same class of service to the Town of
Cascade and the people residing there in said
seasonal period that is rendered to the Town of
Green Mountain Falls and its population; (b)
That, aside from a minimum charge to be made for
all pieces of baggage, that charges be based on
weight; (c) That applicant shall not carry any
express, unless it be baggage sent to Colorado
Springs by express.

Pursuant to authority contained in Decision No. 22475, of date
July 18, 1944, Edgar A. Armentrout transferred PUC No. 431 to Hiram A. Moore,
who, pursuant to authority contained in Decision No. 24520, of date May 16, 1945,
transferred said operating rights to Ute Pass Stages, Inc.

Subsequently, said Ute Pass Stages, Inc. (Decision No. 28683), of date July 21, 1947) transferred said PUC No. 431 to Colburn Motor Tours, Inc., Colorado Springs, Colorado.

By the instant application, Colburn Motor Tours, Inc., seeks authority to transfer PUC No. 431 to The Cripple Creek-Victor and Colorado Springs Stage Company, Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at Colorado Springs, Colorado, February 17, 1949, at ten o'clock A. M., and there taken under advisement.

At the hearing, it appeared that the consideration for transfer of said operating rights is the sum of Fourteen Hundred Dollars (\$1400.00); that road tax has been paid; that road tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate except a docket and issuance fee in Application 302-AAA - B-2369, due the Commission, in the sum of Twenty Dollars (\$20.00); that transferee, pecuniarily and otherwise, is able, qualified and willing to carry on the operation.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, subject to payment of outstanding indebtedness against said operation, if any.

O R D E R

THE COMMISSION ORDERS:

That Colburn Motor Tours, Inc., Colorado Springs, Colorado, be, and it hereby is, authorized to transfer all right, title, and interest in and to PUC No. 431 -- being the operating rights acquired by it pursuant to authority contained in Decision No. 28683 -- to Cripple Creek-Victor and Colorado Springs Stage Company, Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

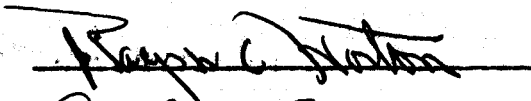
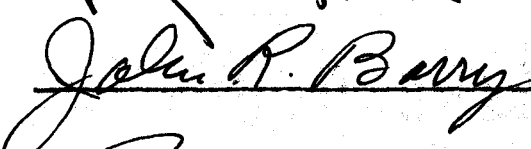
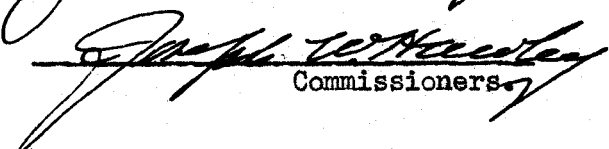
The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering its operations under said certificate up to the time of the transfer of said certificate, and the payment by it or transferee of all unpaid passenger-mile tax.

That road tax deposit of transferor be transferred to account of transferee.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM E. SHANLEY, 1249 BANNOCK)
STREET, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 6877

February 28, 1949

Appearances: William E. Shanley, Denver,
Colorado, pro se;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company.

S T A T E M E N T

By the Commission:

On January 8, 1945, applicant herein filed application for a certificate of public convenience and necessity for the transportation of household goods, furniture, etc., within a radius of fifty miles of Denver, Colorado.

The matter was set for hearing, and heard, February 15, 1945, at 330 State Office Building, Denver, Colorado, and there taken under advisement.

It appears that the file was temporarily misplaced, and no order was written.

After careful examination of the record made in the above matter, it appears that applicant failed to make sufficient showing justifying the granting of the authority sought.

F I N D I N G S

After careful consideration of the record and the file in the instant matter, it appears, and the Commission so finds, that the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
Julius R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 28th day of February, 1949.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 9796-PP

February 28, 1949

Appearances: Dean Baker, Keenesburg, Colo-
rado, pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Stor-
age Company;
E. B. Evans, Esq., Denver, Colo-
rado, for Rein Milk Transport.

S T A T E M E N T

By the Commission:

On January 11, 1949, Dean Baker, applicant herein, filed applica-
tion for a Class "B" permit to operate as a private carrier by motor ve-
hicle for hire for the transportation of building materials and coal from
point to point within a radius of fifty miles of Keenesburg, Colorado, for
Foster Lumber Company, only, all loads to originate or terminate in Keenes-
burg, Colorado.

The matter was set for hearing, and heard, February 11, 1949, at
330 State Office Building, Denver, Colorado, and there taken under advise-
ment.

At the hearing, the evidence disclosed that applicant is the owner
of a 1942 Chevrolet one and one-half-ton truck, and has a net worth of
approximately \$2,000.00.

Applicant stated that he had been requested by Marshall Hill,
Manager of Foster Lumber Company at Keenesburg, Colorado, to obtain the
necessary authority from this Commission to haul building materials and
coal between points and places within a radius of fifty miles of Keenesburg.

Applicant stated that he presently had a Class "C" Permit, and had, in the past, been picked up by the Courtesy Patrol for hauling without proper authority, and filed the instant application for authority to serve the Foster Lumber Company.

Marshall Hill, Keenesburg Manager for Foster Lumber Company, testified that the present common carrier service offered at Keenesburg is not adequate to serve his needs; that he has need of carrier on short notice to haul coal for hire from mines to his place of business, and presently does not know of an authorized carrier in the area who will, or can, serve his needs; that he desires the service of a carrier who, on short notice, will bring in shipments from Denver, and who will unload his portion of pool cars in neighboring towns and convey to his lumber yard in Keenesburg.

Rein Milk Transport and Weicker Transfer and Storage Company both vigorously protested the granting of the application, contending that the granting of this application would tend to impair the services they are now offering the public, and that their present services are adequate.

On this point, the manager of Foster Lumber Company at Keenesburg and witnesses for protestants are not in agreement.

Section 3, Chapter 120, Session Laws of 1931, as amended, provides:

"No application for permit, nor for any extension, or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

From this, it would appear that the Act makes it incumbent upon the Commission to make two primary findings of fact before a permit can be granted:

First, that there are no duly authorized motor vehicle common carriers then adequately serving the same territory over the same general highway route or routes. The Commission, in the past, has taken the view that if this negative fact can be established, then the question of impair-

ment does not arise. We have examined the authorities of protestants, and have listened attentively to their statements before the Commission -- especially when they stated that they were not interested in the coal haul desired by applicant. Under the evidence and record, the Commission cannot say that the services offered by protestants are adequate. Mr. Hill, Manager of Foster Lumber Company of Keenesburg, stated he needed certain services, and that many times this was in the nature of an emergency service. True, segments of his needs might be taken care of by protestants, but combined, it appears to this Commission that Witness Hill would have to search the surrounding territory to find carriers to take care of all his needs. To meet this situation, he asks for a private carrier who will serve him only, to take care of his transportation problems as they arise. This we think is lawful -- in fact, we might ask the question, "Why the Private Carrier Act?"

Second, "Will the granting of this permit impair the efficient public service of Rein Milk Transport or Weicker Transfer and Storage Company, or any other common carrier now authorized to serve in the area sought to be served by applicant?" The Commission has carefully examined the evidence of protestants, and we fail to find any direct evidence that the granting of this permit will impair the efficient public service of either Rein Milk Transport or Weicker Transfer and Storage Company or any other common carrier now authorized to serve in said area. We concede that there was evidence that possibly the operation of applicant might take business away from protestants, but the Commission has no record before it where it can say that the services presently given will be impaired. The Commission has frequently held that the burden of establishing the inadequacy of existing service rests upon the applicant, but that is not true in showing non-impairment of the efficiency of common carrier service. That proof necessarily rests with protestants.

FINDINGS

THE COMMISSION FINDS:

1. That applicant is fit, willing, and able to perform the aforementioned transportation service properly, and to conform to the provisions

of carrier acts and rules, regulations, and requirements thereunder.

2. That the present authorized common carrier services are not adequate to take care of the needs of the Foster Lumber Company, located at Keenesburg, Colorado.

3. The evidence did not disclose, nor did it appear, that the proposed operation of applicant will impair the efficiency of any motor vehicle common carrier service with which applicant will compete.

4. That the application should be granted, as hereinafter limited.

O R D E R

THE COMMISSION ORDERS:

That Dean Baker, Keenesburg, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of building materials and coal between Keenesburg, Colorado, on the one hand, and points and places within a radius of fifty miles of Keenesburg, Colorado, on the other hand, for Foster Lumber Company, only, and applicant shall not be permitted to add to his list of customers, unless authorized so to do by this Commission.

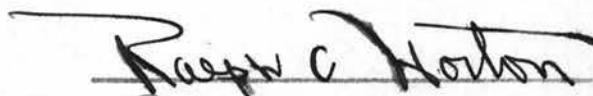
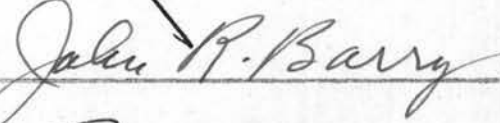
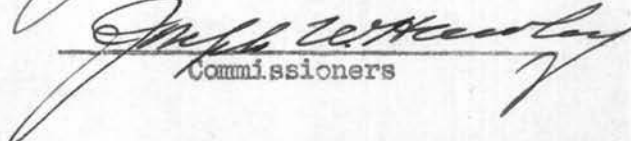
All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of February, 1949.
mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNION PACIFIC RAILROAD COMPANY FOR)
AUTHORITY TO CONSTRUCT AND OPERATE)
A RAILROAD CROSSING AT GRADE ACROSS)
STATE HIGHWAY NO. 72 BETWEEN THE)
EAST AND WEST LINES OF THE NE $\frac{1}{4}$ OF)
THE SE $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 3)
SOUTH, RANGE 67 WEST OF THE SIXTH)
PRINCIPAL MERIDIAN, IN THE CITY AND)
COUNTY OF DENVER AND STATE OF COLORADO.)

APPLICATION NO. 9810

March 1, 1949

Appearances: E. G. Knowles, Esq., Denver,
Colorado, for applicant;
J. M. McNulty, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, applicant asks the Commission to enter an order authorizing it to construct, establish, maintain, and operate a standard gauge railroad crossing, at grade, on and across State Highway No. 72, between the east and west lines of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 3 South, Range 67 West, 6th P. M., being wholly within the City and County of Denver, State of Colorado, being a short distance easterly of Mile Post 636 or Mile Post 635 (old) of applicant's railroad between Denver, Colorado, and Kansas City, Missouri.

As the crossing to be established is wholly within the City and County of Denver, Colorado, a Home Rule city, notice was given to the officials of said City and County of Denver, and there is on file herein a letter from T. P. Campbell, Manager of Improvements and Parks of said City and County of Denver, to the effect that the matter has been investigated by the proper agencies of the City and County of Denver,

and that the construction of such a crossing is agreeable to the City, provided the applicant accepts the obligation of constructing such traffic control devices as the Mayor of the City and County of Denver may direct from time to time.

The matter was set for hearing, and heard, in Denver, Colorado, on February 15, 1949, and taken under advisement.

At the hearing, Barclay Ivins, a realtor, of 628 Denver National Bank Building, Denver, Colorado, testified that he represented a prospective purchaser of property outlined in red on "Exhibit A" attached to the application, the present owner of said property being Mountain States Aviation, Inc., and that the owner had given to the witness, as agent, an option to purchase the property; that the interested parties desire that the proposed crossing should be installed so that the sale of this property can be consummated. The tract described is to be used for industrial purposes requiring trackage, and the proposed crossing will be wholly within the tract.

C. D. Voris, Assistant Engineer of the Union Pacific Railroad Company, testified that he was familiar with the trackage of applicant, and with the location of State Highway No. 72 over which said crossing is to be constructed. If authority is granted, the crossing will be established and constructed between the east and west lines of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 3 South, Range 67 West, 6th P. M., at an exact point not yet selected, which point will depend upon the nature of the construction on the proposed industrial district, and the direction from which the approach to the tract is to be made; that there is no location upon which the crossing could be established within the area marked in red on "Exhibit A" except between the points mentioned.

Any movements over the proposed crossing would be slow movements, and consist of two movements per day in each direction, with protection given to motorists by the trainmen, who would precede any such movement to flag vehicular traffic.

Witness identified "Exhibit B", showing Type No. 2 of the common standard road crossings as the type of crossing to be installed, said type requiring planking between the rails and outside the rails on either side. He also identified "Exhibit C", describing the common standard cattle guard to be installed on either border, in the fence line of the existing highway; also "Exhibit D" was identified as the roadway sign or crossing signal to be installed, one on each side of the crossing, with reflector-type letters. The cost of the installation of the crossing is to be borne by the applicant, together with the cost of installing the signs.

Counsel for applicant introduced in evidence a copy of an ordinance introduced before the Council of the City and County of Denver, and on the date of hearing approved on first reading, same being marked "Exhibit E". Since the date of hearing, the ordinance has been finally approved by said Council, and makes certain requirements relative to the crossing to be installed, said ordinance being in words and figures as follows:

"BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

"Section 1. That the City and County of Denver hereby grants to Union Pacific Railroad Company, its successors and assigns, a revocable license or permit to construct, lay, maintain, and operate a standard gauge railroad spur track in, over, upon, and across State Highway No. 72 a short distance easterly from mile post 635 (old) as shown on map attached hereto, between the east and west lines of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section Nineteen (19), Township Three (3) South, Range Sixty-seven (67) West of the Sixth Principal Meridian, in the City and County of Denver and State of Colorado.

"Section 2. Said track shall be constructed so as to conform to the established grade of said highway and shall in the future conform to the official grade thereof as the same may be established or maintained by the City and County of Denver, and said Union Pacific Railroad Company, its successors and assigns, in all matters relating to said track shall at all times conform to the general ordinances now existing or that may hereafter be adopted concerning the public health, welfare, safety and convenience.

"Section 3. This revocable license or permit is granted only upon the further express conditions that said licensee shall:

- "(a) Always hold the City and County of Denver harmless on account of any and all damages arising out of the construction, maintenance and operation of said track;
- "(b) Keep said track clear of standing cars that would block the highway for vehicular traffic;
- "(c) Require all train movements across said highway to be flagged;
- "(d) Protect such crossing by flagging during track construction period;
- "(e) Install traffic protective devices without cost to the City and County of Denver, within a reasonable time after written direction or order of the Mayor so requiring such traffic devices.

"Section 4. This license or permit shall be revocable by the licensor at any time which right to revoke is hereby reserved under the City and County of Denver.

"Section 5. In the opinion of the Council this ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience, and general welfare, and it is enacted for that purpose, and shall be in full force and effect immediately after its passage and final publication."

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require the construction, establishment, maintenance, and operation of a standard gauge railroad crossing, at grade, on or across State Highway No. 72, at the location described in the application, in accordance with the specifications set forth in the above and foregoing Statement, and subject to the provisions of the ordinance referred to, set forth in the Statement, which Statement by reference is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

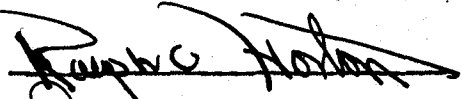
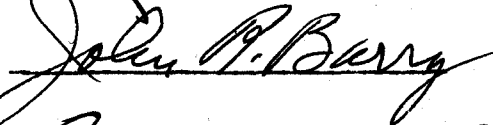

That applicant, Union Pacific Railroad Company, be, and it is hereby, authorized to construct, establish, maintain, and operate a

standard gauge railroad crossing, at grade, on and across State Highway No. 72 at a point to be later designated by said applicant between the east and west lines of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 3 South, Range 67 West, 6th P. M., in the City and County of Denver, State of Colorado, being a short distance easterly of Mile Post 636 or Mile Post 635 (old) of applicant's railroad between Denver, Colorado, and Kansas City, Missouri; that said crossing shall be constructed according to the specifications of common standard road crossings, Type No. 2, as described in "Exhibit B" herein; that cattle guards shall be installed of the type described in "Exhibit C" herein, on either border in the fence line of the existing highway, and crossing signals installed, one on each side of the crossing, with reflector-type letters of the type described on "Exhibit D" filed herein.

That installation of said crossing and safety devices shall be subject to the terms and conditions of the ordinance passed by the Council of the City and County of Denver, Colorado, and set forth herein as "Exhibit E."

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 1st day of March, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE MOUNTAIN UTILITIES CORPORATION)
FOR DEFINITION OF TERRITORY TO BE) APPLICATION NO. 9728.
SERVED WITH DOMESTIC AND IRRIGATION)
WATER AT ASPEN, PITKIN COUNTY,)
COLORADO.)
-----)

March 1, 1949

Appearances: Homer S. Lanning and
C. E. Rader, Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

From 1885 to 1940, the Roaring Fork Water, Light & Power Company, and its predecessors in interest, were the owners of the water distribution system and water rights in connection therewith of the Town of Aspen, Pitkin County, Colorado, which properties were purchased in the latter year by the applicant herein. Since 1940, applicant has owned and operated said water rights and distribution system. No certificate of public convenience and necessity has been granted for such operation, which has been carried on under franchise from said Town of Aspen, Colorado, which franchise has expired.

Under the franchise referred to, the sale and distribution of water was confined to the corporate limits of said Town of Aspen, but from time to time the owner of the system has extended the boundary lines of the territory served beyond said corporate limits to accommodate residents in the fringe area.

At no time has there been a definite area defined as the territory which the owner of this system should serve, except as defined in the franchise referred to, in which the operation was limited to the Town of Aspen.

In the rate schedules filed with the Commission, the territory is defined as "the Town of Aspen and Additions thereto in Pitkin County, Colorado." The Articles of Incorporation of applicant company, as well as its schedule of rates, are on file with this Commission.

Applicant now seeks an order of this Commission defining the exact territory in which applicant shall be obligated to give water service.

The application was heard at the Court House in Glenwood Springs, Colorado, on January 25, 1949, after due notice to all parties in interest, and there taken under advisement.

Homer S. Lanning, Secretary of applicant company, testified that by reason of the severe winter climate in the Town of Aspen and vicinity, all mains are laid at an excessive depth; that on account of the nature of the terrain surrounding the corporate limits of the Town, it is impossible to presently serve any territory beyond that described in the map of the distribution system, marked "Exhibit A" attached to the application and introduced in evidence, except that he has detected one error, and the description of the territory to be served should have included the property of one M. Marolt, shown on "Exhibit A" as a laboratory and office west of the Town of Aspen. He asked that the territory described in the application be amended to show that addition. He also offered in evidence as "Exhibit B" a contract between the Aspen Company, et al., and applicant, relative to future operations of the company, which contract is in words and figures as follows, to-wit:

"EXHIBIT B"

"January 22, 1949

"The Mountain Utilities Corporation
Equitable Building
Denver 2, Colorado

Gentlemen:

"The undersigned are attorneys for The Aspen Company, Walter P. Paepcke, and Robert H. Collins. Your Company has filed an application for definition of territory to be served with water at Aspen, Colorado. The Aspen Company and Mr. Paepcke have acquired considerable land outside the city limits of Aspen to the north and west of the City, and Robert H. Collins and his associates are acquiring some land to the north of Aspen.

"We have agreed with you to refrain from entering any protest against the granting of your application at the hearing in Glenwood Springs on January 25, 1949, and in consideration of this you have agreed with us as follows:

"1. If the time comes in the future development of the Aspen area that it is desired to supply water to the Hoaglund Ranch area located in Hallams Addition and north and west of Hallams Addition to Aspen, The Mountain Utilities Corporation will sell to the party developing the Hoaglund Ranch area water at wholesale to be delivered at its mains as presently constructed at a point most convenient to Hoaglund Ranch.

"2. If Robert H. Collins and his associates desire in the future to supply water to the lands that they own in Section 7, Township 10 South of Range 84 West, north of Aspen, The Mountain Utilities Corporation agrees to sell water to them at wholesale to be delivered by connecting with your pipe line from Hunter Creek at a point outside the city limits of Aspen below the chlorination plant that you have constructed on said pipe line.

"It is agreed that by entering into this agreement, The Aspen Company, Mr. Paepcke and Mr. Collins have in no way waived their right and privilege of applying to the Colorado Public Utilities Commission for the construction of a water supply system by The Mountain Utilities Corporation to their lands, as above herein described, outside the city limits of Aspen in the event that, in their opinion, the future development of Aspen justifies that such an order be entered by the Public Utilities Commission."

"Very truly yours,

"HODGES, VIDAL & GOREE

"BY; (Signed) W. V. Hodges, Jr.

"It is also understood that water delivered at the above designated points of delivery becomes property of consumer at that point, and consumer may install any necessary equipment required to maintain pressure on his own system."

WVHj/mk

"The terms of this letter are hereby agreed to this date by the duly authorized President of The Mountain Utilities Corporation."

"(Signed) B. E. Jack
Vice-President."

The witness further testified that the service of any territory beyond that described in the application, as amended, would require booster pumps and enlarged mains, and their installation would be too expensive to be commercially feasible, and would result in higher rates to the consumers.

The purpose of filing the application was to protect the present consumers, as the Company, by serving the territory described in the application, as amended, has reached its capacity to serve.

C. E. Rader, Manager of the Company, testified that the area south of the territory described in the application is rough and rocky, and the mains would have to be laid to a depth of six and a half to seven feet, at a cost of from five to ten dollars per foot. Booster pumps would be required to serve this area and would cost between \$500.00 and \$2,000.00, each, depending upon the size. To the north of the territory described, the terrain is not so unfavorable and mains could be laid at a cost of from four to five dollars per foot, while the cost within the corporate limits is but eighty cents to ninety cents per foot, under normal conditions. On the north, lighter booster pumps could be used, costing approximately \$500.00 each. However, the system is now operating at capacity, and as much water is being used by the 1,000 residents of Aspen as was formerly used when the population was 10,000. The Company has no demands for service at this time, outside of the territory described in the application, as amended.

No one appeared in opposition to the application.

F I N D I N G S

THE COMMISSION FINDS:

That it would be in the public interest to definitely define the territory the applicant is obligated to serve, as requested, for the reasons set out in the above and foregoing Statement, which by reference is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That the contract between The Aspen Company, et al., and The Mountain Utilities Corporation, admitted in evidence as "Exhibit B" and above set forth, relating to future operations of applicant, be, and the same is hereby approved.

That the territory which applicant is obligated to serve as a public utility be, and the same is hereby, defined as follows:

"Corporate city limits of Aspen, Colorado, where elevations permit adequate water pressure without the addition of booster pumps, or where service does not require crossing Roaring Forks River, (there being no service across river at present time inside the corporate city limits,) and the following described territory, to-wit:

"North of Aspen, Hallam's Addition, Lots 19 and 20, Block 94; Lots 19 and 20, Block 95; Lots 19 and 20, Block 98, from city limits at Lot R in Block 26, north to Gillespie Avenue along west side of Lot 8 in Block 99 of Hallam's Addition. West on Gillespie Avenue to Lot 19, Block 92, north to alley of same block. East to Lot 57, Block 90, South to Lot 5, Block 103. West to Lake Avenue, south to Lot 7, Block 103, east to east side of Block 103, southeast line of Block 103, southeast to corner #6 of city limits. Northeast of Aspen service off main line to Sanders and Williams residences, also hospital above Hunter Creek line. Service in William's Addition only in Blocks 3, 9, and 10 and Lots 8, 9, 10, 11, and 12 in Block 8. Service by private pipe line to 3 houses on Gibson Avenue in Hugh's Addition. From city limits at Lot H, Block 78, north to old foundry, east 250', south to city limits at Lot 85. From city limits at Lot I, Block 85, northeast to corner of mining claim survey 4097, north 100', east 100', south to street, east to Spring Street, south to alley in Block 28, east to Lot M, Block 27, south along east side of Lot M, Block 27, to city limits.

"South of Aspen at corner #8 of city limits, east 165', north to city limits. At city limits Lot L, Block 91, south to Lot 15 of Dean's Addition, west to Lot 6, Block 4 of Conner's Addition, north to Lawn Street, west to Lot 8 of Block 7 in Eames Addition, south to Lot 5, Block I of Conner's Addition, east to Monarch Street, south to Lot 7, west to Lot 7, Block 8 of Eames Addition, south to Lot 10, Block I of Conner's Addition, east to Monarch Street, south to Lot 15, West to Aspen Street plus 175'. North to alley of same block, west to Center Street plus 125', north to Lot 5, Block 5, east to Lot 10, Block 6, North to Dean Avenue, west to Lot 4, Block 4, north to city limits. At city limits on South Center Street in the alley, Block 62, west to Lot 3, Block I Eames Addition, northwest to city limits at Lot Q, Block 54. At city limits Lot C, Block 32, west along north side of railroad right-of-way to Seventh St. North to Hopkins Avenue, east on Hopkins Avenue to Lot Q in Block 19, north to city limits. At city limits, south Seventh Street and the alley, Block 13, west to South Eighth Street to northwest on Eighth Street to city limits. Service to three houses off main pipe line from Castle Creek."

Also, the property of one M. Marolt, shown on "Exhibit A" herein as a laboratory and office, west of Aspen, Colorado.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton

John R. Barry

Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1949.

ea

original

(Decision No. 32234)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. J. STAMPFEL, RIFLE, COLORADO,)
FOR AN EXTENSION OF PERMIT A-3071.)
-----)

APPLICATION NO. 9730-PP-Extension.

March 1, 1949

Appearances: C. H. Darrow, Esq., and
Neil S. Mencer, Esq., Glenwood
Springs, Colorado, for
applicant;
Bryant, Petrie and Brooks, Esqs.,
Montrose, Colorado, for
West End Freight Line;
Marion F. Jones, Esq., Denver,
Colorado, for Richard H.
Estes and E. W. Wallace.

S T A T E M E N T

By the Commission:

By our Decision No. 21498, of date October 27, 1943, A. J. Stampfel, of Rifle, Colorado, was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from Garfield Vanadium Mine to the U. S. Vanadium Mill at Rifle, Colorado, over Rifle Creek County Road, Colorado Highway No. 13, and U. S. Highways Nos. 6 and 24, and Permit No. A-3071 was issued to applicant.

By Decision No. 30226, of date April 10, 1948, said A. J. Stampfel was authorized to extend his operations under said permit to include the transportation of ore from the U. S. Vanadium stock pile at Uravan, Colorado, to the U. S. Vanadium Mill at Rifle, Colorado, via Gateway and Grand Junction or via alternate route of Ridgway, Montrose, and Grand Junction.

By Decision No. 31012, of date August 10, 1948, said A. J. Stampfel was authorized to extend his operations under said permit to include the transportation of ore from the vanadium mines and stock piles of the U. S. Vanadium Company within a radius of 150 miles of Rifle, Colorado, to the U. S. Vanadium Mill or Reduction Plant at Rifle, Colorado.

By the instant application, said A. J. Stampfel seeks authority to extend his operations under said Permit No. A-3071 to include the transportation of mine and camp supplies and equipment from warehouses in Rifle, Colorado, and Grand Junction, Colorado, to the mine and mill of the U. S. Vanadium Company in Uravan, Colorado.

The instant application was set for hearing at the Court House in Glenwood Springs, Colorado, on January 25, 1949, after due notice to all interested parties, and there heard and taken under advisement.

At the hearing, applicant, without objection, asked that his application be amended to include the transportation of coal from Cameo, Mesa County, Colorado, to Uravan, Montrose County, Colorado.

Applicant testified that he is handling the ore from all the vanadium mines and stock piles of the U. S. Vanadium Company within a radius of 150 miles of Rifle, Colorado, including Uravan, and the mine of said Company near Rifle, to the mill of said Company at Rifle, under his present authority as extended, and filed the instant application so that he might have a back-haul from warehouses at Rifle and Grand Junction to Uravan, the commodities consisting of mine supplies such as slushers, cable, drill steel, mucking machines, and other machinery used in mines, each load averaging from 50 to 500 pounds. No load would be handled exceeding 3,000 pounds, except an occasional load of coal up to a limit of three tons. Any shipments that cannot be handled in dump trucks are hauled by the U. S. Vanadium Company in its own equipment.

Applicant agreed that his transportation on the back-haul might be restricted to shipments that can be handled in dump truck bodies, and acid in tanks. He had been requested by the Company to file the application, and proposed an overnight service, Rifle to Uravan, via Gateway. No certificated carrier now operates directly, Grand Junction to Uravan, although West End Freight Line has authority to so operate. West End Freight Line, with headquarters at Montrose, Colorado, also has present authority to operate, and does operate, from Grand Junction to Uravan via Montrose, a distance of approximately 75 miles farther than the route Grand Junction to Uravan via Gateway, over which applicant proposes to operate.

Applicant testified that he owns all his own equipment, has contracted for \$60,000.00 worth of new equipment, and would file an up-to-date statement of equipment with the Commission. He gave his net worth as \$125,000.00. The Vanadium Mine at Uravan had been closed down since 1935, up to thirty days prior to the hearing, but was being reactivated, and the Company which, up to this time, has hauled its own supplies, now desires applicant's services for that purpose.

A. Q. Lundquist, Grand Junction, Colorado, Superintendent of the U. S. Vanadium Company since 1944, testified that the Company was engaged in the mining and milling of uranium and vanadium ore, and the development of uranium and vanadium ore bodies, operating from Rifle, Grand Junction, and Uravan. The Company has a three-year contract with the United States Government to mill this ore at Rifle. When ore is hauled by applicant to the Rifle Mill from Uravan, it would be very convenient for the Company to ship back to Uravan by the same truck the necessary mine and camp supplies, and at times an emergency arose requiring such service, and the instant application was filed at the request of the Company. Applicant usually made four trips per day, five days a week, and a back-haul, such as requested, would take care of the requirements of the Company except for heavy equipment, which would be hauled in Company trucks.

Witness knew of no present service available over the short route, Grand Junction to Uravan via Gateway. Should West End Freight Line establish a scheduled service over the same route and fix rates that would be economically sound, he would have no objection to using such service, and he already used the service of said line in hauling commodities from Montrose to Uravan. He gave the distance from Grand Junction to Uravan via Gateway as 92 miles, and via Montrose, 167 miles, or a difference of 75 miles in favor of the route used by applicant. As to the time element, he estimated that it requires two and one-tenth hours to drive an automobile over the shorter route as compared with three and a half hours by the longer route.

For protestant, Ed Sittner, one of the owners of West End Freight Line, with headquarters at Montrose, testified that his Company

operated under PUC-1861, with the following authority:

"Transportation, (a) on call and demand, of farm products (including livestock) and farm supplies (specifically including farm machinery and equipment, feed, used furniture and household goods), mill and mine supplies, ore and petroleum products, between, from, and to points within a radius of 50 miles of Norwood, (excluding service between points served by the Rio Grande Motor Way, Inc.); (b) general freight on schedule via U. S. Highway 50 and State Highways No. 62, 108, 145, 90, (or Colorado 141 instead of U. S. 50), from and to Grand Junction and Montrose, to and from points west of (but not including) Ridgway as far as Paradox by way of Placerville, with the right to serve locally between Ridgway and Paradox; service to include Placerville, and for the transportation of freight between Montrose and Paradox, via Uravan and intermediate points, except that no freight may be handled locally between Montrose and Placerville."

It will be noted that protestant has no authority to operate between Rifle and Grand Junction, and its protest must be confined to the back-haul proposed by applicant, Grand Junction to Uravan, via Gateway, over State Highway 141. Witness testified that during the late war, he was employed by San Miguel Stages, operating over both routes, Grand Junction to Uravan, and transported some freight to Uravan for the U. S. Vanadium Company. His company has had no request for service, Grand Junction to Uravan, via Gateway, during the past year. He described the equipment owned by his company, and stated that it was in a position to obtain other equipment by purchase or lease. He further stated that under normal conditions, a loaded truck could travel from Grand Junction to Uravan via Montrose, faster than by the shorter route because of the condition of the highways, estimating the elapsed time via the shorter route, with a load of from twelve to fifteen tons, at six and a half to seven hours, or by the longer route, with the same load, at six to six and a half hours, the longer route being easier on the equipment. If requested to haul over the shorter route, his company would be financially able to handle the business, provided the service was required daily and a load of from three to three and a half tons offered, same being the minimum requirements to render the service financially feasible. He could not afford to furnish such service were the loads less than 500 pounds and the requirements less

than daily service. At the present time, he gives daily scheduled service, Montrose to Uravan, a distance of fourteen miles, a segment of the longer route.

Applicant, recalled, testified that he could haul from ten to twelve tons over the shorter route, Grand Junction to Uravan via Gateway, in about four and a half hours, and it would require several hours longer to haul the same load over the longer route, Grand Junction to Uravan via Montrose.

It is evident from the testimony that West End Freight Line does not consider it financially feasible to furnish the same service proposed by applicant over either route, with the restrictions agreed to by applicant. And there is no protest made as to the coal haul proposed by applicant. Moreover, West End has not operated over the shorter route proposed within the past year, and has had no request for service over said route during said period.

Section 3, Chapter 120, Session Laws of 1931, as amended, provides:

"No application for permit, nor for any extension, of enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

From this, it would appear that the Act makes it incumbent upon the Commission to make two primary findings of fact before a permit, or an extension thereof, can be granted — first, that there are no duly authorized motor vehicle common carriers then adequately serving the same territory, over the same general highway route or routes. The Commission in the past has taken the view that if this negative fact can be established, then the question of impairment does not arise. Under the evidence and the record, the Commission cannot say that the service offered by protestant is adequate. Protestant is not interested in the coal haul desired by applicant,

or in handling shipments of the size that can be handled by applicant in his dump truck bodies. A part of the needs of the U. S. Vanadium Company might be taken care of by protestant provided the shipment offered was of sufficient size to interest protestant, but it appears to the Commission that the U. S. Vanadium Company would have to search the surrounding territory to find carriers to take care of all its needs, or else haul the shipments inbound to Uravan from Grand Junction in its own trucks. To meet this situation, this Company asks for a private carrier who will serve this Company, only, to take care of its transportation problems as they arise. This appears to the Commission to be the purpose served by a private carrier.

Second, will the granting of an extension of this permit impair the efficient public service of West End Freight Line, or any other common carrier now authorized to serve in the area sought to be served by applicant?

The Commission has carefully examined the evidence of protestant, and we fail to find any direct evidence that the granting of this extension will impair the efficient public service of protestant, or of any other common carrier now authorized to serve in said area. We do not find, even, that the operation of applicant would take business away from protestant, and can find no evidence in the record that the service presently given by protestant will be impaired. The Commission has frequently held that the burden of establishing the inadequacy of existing service rests upon the applicant, but this is not true in showing non-impairment of the efficiency of common carrier service. The proof of impairment of service necessarily rests with the protestant.

F I N D I N G S

THE COMMISSION FINDS:

1. That applicant is fit, willing, and able to properly perform the transportation service for which authority is sought, and to conform to the provisions of the carrier Acts and rules, regulations, and requirements thereunder.

2. That the presently authorized common carrier services are not adequate to take care of the needs of the U. S. Vanadium Company, located at Uravan, Grand Junction, and Rifle, Colorado.

3. That the evidence did not disclose that the proposed operation of applicant will impair the efficiency of any motor vehicle common carrier service with which applicant will compete.

4. That applicant should be granted an extension of Permit No. A-3071 as hereinafter limited.

O R D E R

THE COMMISSION ORDERS:

That A. J. Stampfel, Rifle, Colorado, be, and he hereby is, authorized to extend his authority under Private Carrier Permit No. A-3071 to include the transportation of mine and camp supplies and equipment from warehouses in Rifle and Grand Junction, Colorado, to the mine and mill of the U. S. Vanadium Company in Uravan, Colorado, and the transportation of coal from Cameo, Mesa County, Colorado, to Uravan, Montrose County, Colorado.

That said authority shall be restricted to shipments that can be handled in dump truck bodies, and acid in tanks.

That all shipments shall be handled for the U. S. Vanadium Company, only, and applicant shall not be permitted to add to his list of customers unless authorized to do so by this Commission.

That said operation is authorized from Rifle, Colorado, and Grand Junction, Colorado, to Uravan, Colorado, via Gateway, or via the alternate route of Grand Junction to Uravan, via Montrose.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph C. Hecox
Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R. A. GRAVES CONCRETE AND CEMENT)	
WORKS, INC., 330 SOUTH AMES, DENVER,)	
14, COLORADO, FOR A CLASS "B" PERMIT)	<u>APPLICATION NO. 9791-PP.</u>
TO OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	
-----)	

March 1, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within a radius of twenty-five miles of Denver, Colorado, to road and building construction jobs within said area.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That R. A. Graves Concrete and Cement Works, Inc., be, and it hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within a radius of twenty-five miles of Denver, Colorado, to road and building construction jobs within said area.

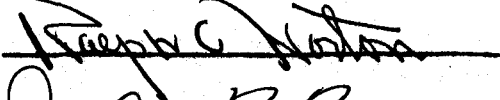
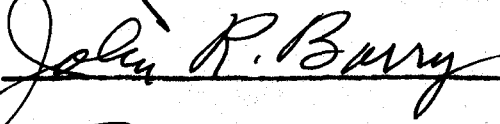

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD H. ESTES, RIFLE, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-) APPLICATION NO. 7282.
VENIENCE AND NECESSITY.)
-----)

March 4, 1949

Appearances: Marion F. Jones, Esq.,
Denver, Colorado,
for applicant;

S T A T E M E N T

By the Commission:

Richard H. Estes, of Rifle, Colorado, on January 5, 1946, filed application for a certificate of public convenience and necessity authorizing the transportation of general commodities between points within a 20-mile radius of Rifle, Colorado, and to and from points in that area to and from points in the State of Colorado, excluding commodities requiring special equipment, and excluding livestock to and from points in Rio Blanco County. Later, the application was amended by deleting therefrom the phrase "excluding commodities requiring special equipment."

Formal protest was filed by Eldon W. Wallace, Rifle, Colorado, holder of PUC No. 802.

Hearing was held at Glenwood Springs, Colorado, on March 5, 1948, and by our Decision No. 30378, of date April 28, 1948, the application was denied.

Rehearing was granted by our Decision No. 30607, of date May 28, 1948, and the application set for rehearing at the Court House in Glenwood Springs, Colorado, for June 10, 1948, reset for the same place for August 31, 1948, again for September 24, 1948, and again for January 25, 1949. On the latter date, after due notice to all parties in interest, the application was heard and taken under advisement.

At the instant hearing, Eldon W. Wallace, who had appeared in protest at the former hearing, filed a written withdrawal of his protest and objection to the granting of the application, and it appeared from the evidence that since the date of the original hearing, applicant and Wallace have pooled their equipment and reached an operating agreement.

No one appeared at the hearing to protest the granting of the application.

An amended petition for rehearing was presented by applicant, with the request that same be substituted for the original application for rehearing filed May 3, 1948.

Applicant submitted Exhibits 1 to 4, inclusive, being photos of his equipment, and stated that the truck indicated by the cross on Exhibit 2 had been recently replaced with a 5-ton White truck, and except for that difference there had been no substantial change in his financial situation since the date of the original hearing. A statement of equipment is on file with the Commission.

Applicant testified that he was engaged in the transportation of commodities requiring special equipment by the United States Government, and had leased one lowboy in addition to his own equipment. In other respects, his testimony was substantially the same as at the former hearing.

Applicant is the present owner of Private Carrier Permit No. B-1538, authorizing the following operation:

"Appl. 3104-PP, Decision 7601 - May 8, 1936 - Transportation of farm products (including livestock) and farm supplies (including feed, oil cake, farm machinery and equipment, and used household goods) from point to point within a radius of twenty (20) miles of Rifle, and from and to points in said area to and from points in the State of Colorado, except the transportation of livestock and commodities ordinarily handled by line-haul motor vehicle services, in competition with authorized motor vehicle common carrier services, between Rifle and Meeker, and points intermediate thereto, and said commodities (livestock excepted) between points served by Rio Grande Motor Way, Inc.

"Appl. 6459-PP, Decision 21499 - Oct. 27, 1943 -
Extended to include the right to transport
passengers for the U. S. Vanadium Corporation,
only, between Rifle and vanadium mine located
about twelve (12) miles from Rifle, on Rifle
Creek County Highway, and all intermediate points."

Applicant asked that said Permit No. B-1538 be cancelled
except for the authority to transport passengers under Decision No. 21499.

F I N D I N G S

The Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicant, as limited in the Order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of applicant for the transportation of general commodities between points within a 20-mile radius of Rifle, Colorado, and to and from points in that area to and from points in the State of Colorado, excluding livestock to and from points in Rio Blanco County; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That the petition for rehearing filed by applicant at date of instant hearing be, and the same is hereby, substituted for the petition for rehearing filed herein on May 3, 1948.

That Private Carrier Permit No. B-1538 be, and the same is hereby, cancelled and revoked except for that part of the authority granted under Decision No. 21499, of October 27, 1943, for the transportation of passengers for the U. S. Vanadium Corporation, only, between Rifle and the Vanadium Mine located about twelve miles from Rifle on Rifle County Highway, and all intermediate points.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John B. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 4th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RICHARD H. ESTES, RIFLE, COLORADO,)	
FOR AUTHORITY TO TRANSFER A PORTION)	<u>APPLICATION NO. 9469-PP-Transfer.</u>
OF PERMIT B-1538 TO LESLEY ESTES,)	
RIFLE, COLORADO.)	
-----))	

March 4, 1949

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

S T A T E M E N T

By the Commission:

By Decision No. 7601, of date May 8, 1936, under Application No. 3104-PP, Richard H. Estes was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Farm products (including livestock) and farm supplies (including feed, oil cake, farm machinery and equipment, and used household goods) from point to point within a radius of twenty (20) miles of Rifle, and from and to points in said area to and from points in the State of Colorado, except the transportation of livestock and commodities ordinarily handled by line haul motor vehicle services, in competition with authorized motor vehicle common carrier services, between Rifle and Meeker, and points intermediate thereto, and said commodities (livestock excepted) between points served by Rio Grande Motor Way, Inc.

By Decision No. 21499, of date October 27, 1943, said permit was extended to include the right to transport:

Passengers for the U. S. Vanadium Corporation, only, between Rifle and vanadium mine located about twelve (12) miles from Rifle, on Rifle Creek County Highway, and all intermediate points.

The operating rights under Decision No. 7601, supra, have been cancelled and revoked by order of this Commission of even date under Application No. 7282.

By the instant application, said Richard H. Estes seeks authority to transfer the operating rights granted under Decision No. 21499 to Lesley R. Estes of Rifle, Colorado.

The application was set for hearing at the Court House in Glenwood Springs, Colorado, for January 25, 1949, there heard and taken under advisement.

The testimony shows that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to the account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee is the owner of one 32-passenger 1945 Ford bus, heretofore used by transferor in conducting his passenger operations, and that he has a net worth of \$25,000.00; that he will conduct his operations in the name of Lesley R. Estes, individually, and that he is pecunarily and otherwise qualified to carry on the operation.

No one appeared in protest to the application.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Richard H. Estes be, and he is hereby, authorized to transfer all his right, title, and interest in and to the operating rights granted to him under Decision No. 21499, of date October 27, 1943, to Lesley R. Estes, of Rifle, Colorado, said authority to be known as Permit No. B-1538.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid passenger-mile tax.

That tax deposit of transferor be transferred to account of transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
James H. McKinley
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD H. ESTES, RIFLE, COLORADO,) APPLICATION NO. 9468-PP-Extension.
FOR EXTENSION OF PERMIT NO. B-1538.)
-----)

March 4, 1949

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

S T A T E M E N T

By the Commission:

By Decision No. 7601, of date May 8, 1936, Richard H. Estes
was granted authority to transport:

Farm products (including livestock) and farm
supplies (including feed, oil cake, farm machinery
and equipment, and used household goods) from
point to point within a radius of twenty (20)
miles of Rifle, and from and to points in said
area to and from points in the State of Colorado,
except the transportation of livestock and com-
modities ordinarily handled by line haul motor
vehicle services, in competition with authorized
motor vehicle common carrier services, between Rifle
and Meeker, and points intermediate thereto, and
said commodities (livestock excepted) between points
served by Rio Grande Motor Way, Inc.

By Decision No. 21499, of October 27, 1943, said permit was
extended to include:

The right to transport passengers for the U. S.
Vanadium Corporation, only, between Rifle and
vanadium mine located about twelve (12) miles from
Rifle, on Rifle Creek County Highway, and all inter-
mediate points.

By the instant application, applicant requests authority to
extend the service above described by authorizing the transportation of:

Lumber, pulp wood, logs, poles, and mine props,
between all points and places in the territory
presently served under Private Carrier Permit
B-1538.

The application was set for hearing at the Court House in
Glenwood Springs, Colorado, for January 25, 1949, after due notice to all
parties in interest, and there heard and taken under advisement.

It appeared at the hearing that applicant had asked that his operating rights under Decision No. 7601, supra, be cancelled and revoked during the hearing on his application No. 7282 on the same day for a certificate of public convenience and necessity, and it further appeared that he had asked for the transfer of his operating rights under Decision No. 21499, at the hearing on the same day under his Application No. 9468-PP, to Lesley R. Estes.

F I N D I N G S

THE COMMISSION FINDS:

That all the operating rights of applicant under said Private Carrier Permit No. B-1538 have either been cancelled and revoked or transferred by applicant to another party, and that said application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Karsh C. Norton

John R. Barry

Joseph C. Harty
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1949.

ea

Original

(Decision No. 32239)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
BERNARD VAHLING, BOX 384, ARVADA,
COLORADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9723-PP
AMENDED ORDER

March 4, 1949

Appearances: Bernard Vahling, Arvada, Colo-
rado, pro se;
Harold Swena, Golden, Colorado,
for Swena Transfer & Ex-
press Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Marion F. Jones, Esq., Denver,
Colorado, for Sorenson
Truck Service;
Walter Adams, Morrison, Colo-
rado, pro se;
Alice Blakley, Derby, Colorado,
for Blakley and Blakley Live-
stock Trucking Company.

S T A T E M E N T

By the Commission:

By Decision No. 32196, of date February 18, 1949, this Commission authorized applicant to operate as a Class "B" private carrier by motor vehicle for hire, and it has been called to the attention of the Commission that, inadvertently, the authority granted was not clearly expressed and did not fully describe the proposed operation as developed by the evidence.

F I N D I N G S

THE COMMISSION FINDS:

That the authority granted to applicant under said Decision No. 32196 should be clarified in accordance with the evidence submitted.

ORDER

THE COMMISSION ORDERS:

That the first paragraph in the Order part of Decision No. 32196 be, and the same is hereby stricken, and in lieu thereof the following authority be, and the same hereby is, substituted:

That Bernard Vahling, Box 384, Arvada, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

Horses and farm products, including grain, between points within a ten-mile radius of Arvada, Colorado, excluding Denver, and from and to points in said ten-mile area (excluding Denver), on the one hand, to and from points within a radius of forty miles east, fifty miles north, west, and south of Arvada, Colorado; livestock other than horses between points within a ten-mile radius of Arvada, Colorado, excluding Denver, Colorado; all operations to be limited to the use of one truck, only; and applicant shall not engage in any town to town service.

That in all other respects, said Decision No. 32196 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph C. Keadley
Commissioners

DATED at Denver, Colorado,
this 4th day of March, 1949.

Original

(Decision No. 32240)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. E. GREER, FRUITA, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-2053 TO LOREN J. GOSNELL, FRUITA,)
COLORADO.)

APPLICATION NO. 9782-PP

March 4, 1949

Appearances: C. E. Greer, Fruita, Colorado,
pro se;
Loren J. Gosnell, Fruita,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, on October 21, 1937, by Decision No. 10753, a Class "B" private permit was issued to Tom Denton, of Fruita, Colorado, authorizing:

transportation of farm products, including fruit, from fields and orchards to railroad loading points within a radius of 25 miles of Fruita, Colorado. No town to town service authorized.

Pursuant to authority contained in Decision No. 16745, of date March 4, 1941, said permit-holder transferred said operating rights (Permit No. B-2053) to C. E. Greer, who, by the instant application, seeks authority to transfer Permit No. B-2053 to Loren J. Gosnell, Fruita, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, February 28, 1949, and was there taken under advisement.

At the hearing, it appeared that the consideration for transfer of Permit No. B-2053, together with one Diamond-T Truck, is the sum of One Thousand Dollars (\$1,000.00); that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are

no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able, qualified, and willing to carry on the operation, his net worth being \$12,000.00.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That C. E. Greer, Fruita, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2053 -- being the operating rights acquired by him pursuant to Decision No. 16745 -- to Loren J. Gosnell, Fruita, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him, or transferee, of all unpaid ton-mile tax.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 4th day of March, 1949.

Ralph C. Holton
John B. Barry
Joseph W. Hensley
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION OF F. C. SULLIVAN, }
DOING BUSINESS AS SULLY'S SERVICE }
719½ RIVER STREET, CANON CITY, }
COLORADO, FOR AUTHORITY TO ADVANCE }
FARES FROM AND TO CANON CITY AND }
FLORENCE, COLORADO, TO AND FROM }
FREMONT COUNTY AIRPORT. }

APPLICATION NO. 8452

March 3, 1949

S T A T E M E N T

By the Commission:

On July 3, 1947, Decision No. 28569, the Commission issued a certificate of public convenience and necessity to the above named applicant, which, among other things, authorized a passenger service from and to Canon City and Florence, Colorado, to and from Fremont County Airport, and in connection with said service prescribed the following fares:

Between Canon City and the Airport	-----	\$1.00 per passenger
" " " " " " via Florence	--	1.00 " "
" Florence and the Airport	-----	.50 " "

The Commission is now in receipt of a request from the above named applicant for authority to increase the fares as follows:

Between Canon City and the Airport	-----	\$1.50 per passenger
" " " " " " via Florence	--	1.50 " "
" Florence and the Airport	-----	.75 " "

F I N D I N G S

THE COMMISSION FINDS:

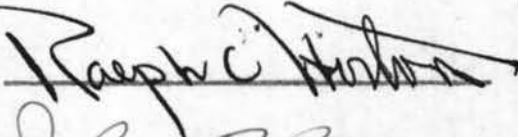
The Commission finds that Application No. 8452 should be reopened for the purpose of receiving testimony relative to the requested increases hereinbefore set forth.

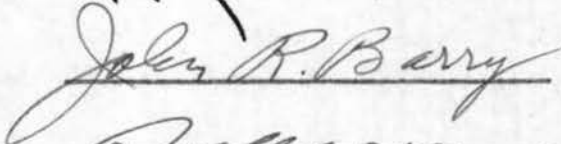
O R D E R

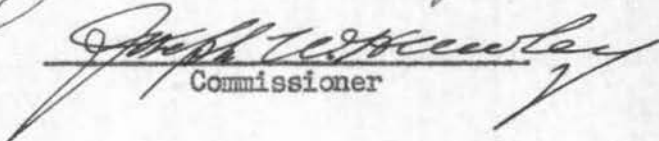
THE COMMISSION ORDERS:

That, Application No. 8452 be and the same is hereby reopened for further hearing relative to the requested increases hereinbefore set forth and made a part hereof; that the matter is hereby assigned for public hearing in Pueblo, Colorado, at the Court House at 9:30 A.M. on the 22d day of March, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioner

Dated at Denver, Colorado
this 3d day of March, 1949.

hm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NATHAN A. SPARKS, SILT, COLORADO,) APPLICATION NO. 9318-Extension.
FOR EXTENSION OF PUC NO. 1238.)
-----)

March 4, 1949

Appearances: Cole and Cole, Esqs., Glenwood
Springs, Colorado, for
applicant;
Jones and Stauffer, Esqs., Den-
ver, Colorado, for Richard H.
Estes, Eldon W. Wallace.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing, at
the Court House, Grand Junction, Colorado, February 28, 1949, at 9:30
o'clock A. M., due notice of the time and place of hearing being for-
warded to all parties in interest.

At the time and place designated for hearing, attorneys for
applicant appeared and requested that said application be dismissed, in
which request protestants acquiesced.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That request of attorneys for applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is,
dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Norton
John R. Barry
James H. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. B. JARRAD, 238 PITKIN AVENUE,)
GRAND JUNCTION, COLORADO, FOR AUTH-) APPLICATION NO. 9781-Transfer.
ORITY TO TRANSFER PUC NO. 1216 TO)
H. E. BUNCH, ROUTE 1, GRAND JUNCTION,)
COLORADO.)
-----)

March 4, 1949

Appearances: Coit and Graham, Esqs.,
Grand Junction, Colorado,
for Transferee.

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 14108, of date October 10, 1939, G. W. Hawthorne acquired certificate of public convenience and necessity No. 1216 from G. J. Smith, which authorizes the transportation of:

freight from, to, and between Grand Junction and Gateway, Colorado, and all intermediate points, save and except no service authorized between Grand Junction and Whitewater or Whitewater and Grand Junction, or points intermediate thereto.

Subsequently (Decision No. 25429, of date January 24, 1946), said certificate-holder transferred said operating rights to H. B. Jarrad, who, by the instant application, seeks authority to transfer said PUC No. 1216 to H. E. Bunch, Grand Junction, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, February 28, 1949, and was there taken under advisement.

At the hearing, it appeared that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, he having had four years experience in the trucking business, and having a net worth of \$17,000.00.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That H. B. Jarrad, Grand Junction, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in PUC No. 1216 -- being the operating rights acquired by him pursuant to Decision No. 25429 -- to H. E. Bunch, Grand Junction, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate up to the time of the transfer of said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond C. Holton

John B. Barry

Joseph C. Keeler
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1949.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. L. FARMER, R. E. CLARK, R. S.)
FARMER, J. C. FERGUSON, AND W. H.)
RUSSELL, DOING BUSINESS AS "E. L.)
FARMER & COMPANY," P. O. BOX 3512,)
ODESSA, TEXAS, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING)
RIGHTS TO E. L. FARMER, R. S. FARMER,)
J. C. FERGUSON, AND W. H. RUSSELL,)
DOING BUSINESS AS "E. L. FARMER &)
COMPANY," P. O. BOX 3512, ODESSA,)
TEXAS.)
-----)

PUC NO. 1887-I.

March 4, 1949

Appearances: Morgan Nesbitt, Esq.,
P. O. Box 1014, Austin,
Texas, for applicants.

S T A T E M E N T

By the Commission:

Heretofore, E. L. Farmer, R. E. Clark, R. S. Farmer,
J. C. Ferguson, and W. H. Russell, co-partners, doing business as
"E. L. Farmer & Company," Odessa, Texas, were authorized, subject to
the provisions of the Federal Motor Carrier Act of 1935, to operate
as common carriers by motor vehicle for hire in interstate commerce,
and PUC No. 1887-I issued to them.

Said certificate-holders now seek authority to transfer
said operating rights to E. L. Farmer, R. S. Farmer, J. C. Ferguson,
and W. H. Russell, co-partners, doing business as "E. L. Farmer &
Company," -- said R. E. Clark being desirous of withdrawing from
said partnership.

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

FINDINGS

THE COMMISSION FINDS:

That the transfer should be authorized.

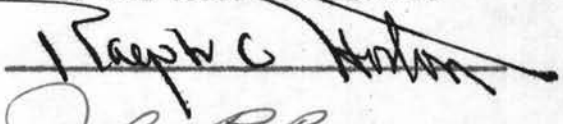
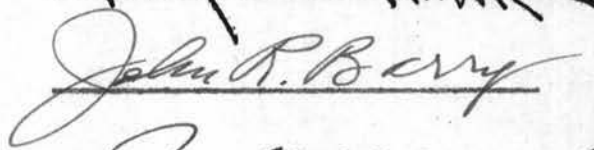

ORDER

THE COMMISSION ORDERS:

That R. E. Clark be, and he hereby is, authorized to withdraw from partnership of E. L. Farmer, R. E. Clark, R. S. Farmer, J. C. Ferguson, and W. H. Russell, doing business as "E. L. Farmer & Company," and said partnership of E. L. Farmer, R. E. Clark, R. S. Farmer, J. C. Ferguson, and W. H. Russell, doing business as "E. L. Farmer & Company," Odessa, Texas, be, and it hereby is, authorized to transfer all right, title, and interest in and to PUC No. 1887-I to E. L. Farmer, R. S. Farmer, J. C. Ferguson, and W. H. Russell, doing business as E. L. Farmer & Company," Odessa, Texas, subject to the provisions of the Federal Motor Carrier Act of 1935, and provided that transferees shall assume and pay ton-mile tax due and owing from transferors to the Commission on account of operations under said certificate.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MERLE CARLSON, PARKER, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1556 TO HAROLD CHERNE, DOING BUSI-)
NESS AS "DENVER-PARKER TRUCK LINE,")
PARKER, COLORADO.)
-----)

APPLICATION NO. 9804-Transfer
SUPPLEMENTAL ORDER

March 5, 1949

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

S T A T E M E N T

By the Commission:

By Decision No. 32189, of date February 18, 1949, Merle Carlson, Parker, Colorado, was authorized to transfer PUC No. 1556 to Harold Cherne, doing business as "Denver-Parker Truck Line," Parker, Colorado.

In the Statement contained in said Decision No. 32189, operating rights under PUC No. 1556 were set forth, commodities being specified as "milk and cream."

The attention of the Commission has now been directed to the fact that PUC No. 1556 authorized transportation of "freight," it not being limited to "milk and cream."

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 32189 should be amended to conform to the facts.

O R D E R

THE COMMISSION ORDERS:

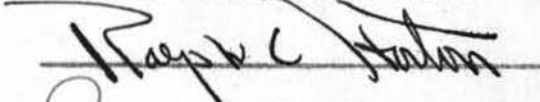
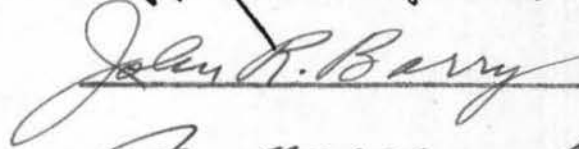

That Decision No. 32189, of date February 18, 1949, be, and the same hereby is, amended, nunc pro tunc, as of said 18th day of February, 1949, by striking the words "milk and cream," being the first three words in the third line of the Statement contained in said Decision

No. 32189, and inserting in lieu thereof the word "freight," so that the third and fourth lines of said Statement shall read as follows:

"freight to Denver from the territory
described as follows:"

That, except as herein amended, said Decision No. 32189 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EUGENE RAPIER, 919 MYRTLE AVE.,)
CANON CITY, COLORADO.)
) PERMIT NO. C-21138.
)
)
)

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Eugene Rapier,
.....
requesting that Permit No. C-21138.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21138....., heretofore issued to.....
Eugene Rapier,
.....be,
and the same is hereby, declared cancelled effective December 31, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES E. INGERSOLL, 1802 12th)
STREET, GREELEY, COLORADO.)
)
)
)
)

PERMIT NO. C-20802.

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Charles E. Ingersoll,-----
requesting that Permit No. C-20802 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20802, heretofore issued to-----
Charles E. Ingersoll,----- be,
and the same is hereby, declared cancelled effective February 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John H. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

✻ ✻ ✻ ✻

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD W. DRIVER, RT 2, BOX 434,
BOULDER, COLORADO.)

PERMIT NO. C-20805.

March 10, 1949

STATEMENT

By the Commission:

The commission is in receipt of a communication from.....
Edward W. Driver,
.....
requesting that Permit No. C-20805.....be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That permit No. C-20805, heretofore issued to Edward W. Driver, be,
and the same is hereby, declared cancelled effective January 16, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. C. VIGIL & JOHN PEROULIS,)
DOING BUSINESS AS "CRAIG SALES)
YARD," CRAIG, COLORADO.) PERMIT NO. C-21009.
-----)

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
R. C. Vigil & John Peroulis, d/b/a Craig Sales Yard,-----
requesting that Permit No. C-21009-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21009-----, heretofore issued to-----
R. C. Vigil & John Peroulis, d/b/a Craig Sales Yard,-----be,
and the same is hereby, declared cancelled effective February 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Berg

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

✻ ✻ ✻ ✻

RE MOTOR VEHICLE OPERATIONS OF)
G. M. McLAUGHLIN, 509 WEST 10th,)
PUEBLO, COLORADO.)

PERMIT NO. C-21043.

March 10, 1949

STATEMENT

By the Commission:

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

G. M. McLaughlin,

requesting that Permit No. C-21043 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21043, heretofore issued to.....

G. M. McLaughlin,

and the same is hereby, declared cancelled effective January 2, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 10th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TOMMIE C. GOSAGE, YODER, COLO.)
)
) PERMIT NO. C-21052.
)
)
)

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Tommie C. Gosage,.....
requesting that Permit No. C-21052 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21052, heretofore issued to.....
Tommie C. Gosage,..... be,
and the same is hereby, declared cancelled effective February 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Houtant

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM S. CORBETT, JOES,)
COLORADO.)
PERMIT NO. C-21206.
)

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
William S. Corbett,
requesting that Permit No. C-21206 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21206, heretofore issued to.....
William S. Corbett, be,
and the same is hereby, declared cancelled effective February 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIE, ARMANDO & ALCARIO)
VELASQUEZ, DOING BUSINESS AS)
"WILLIE VELASQUEZ & SONS," RT 1) PERMIT NO. C-21221.
BOX 144, SANACACIO, COLORADO.)
-----)

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Willie, Armando & Alcario Velasquez, d/b/a Willie Velasquez & Sons,

requesting that Permit No. C-21221.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21221....., heretofore issued to.....
Willie, Armando & Alcario Velasquez, d/b/a Willie Velasquez & Sons,.....be,
and the same is hereby, declared cancelled effective January 25, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM SEALS, 601 WEST MAIN,)
TRINIDAD, COLORADO.)
) PERMIT NO. C-21299.
)
)
)

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
William Seals,

requesting that Permit No. C-21299.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21299....., heretofore issued to.....
William Seals,
-----be,
and the same is hereby, declared cancelled effective February 7, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY FABRIZIUS, 405 E. 12th,)
LOVELAND, COLORADO.)
)
)
)
)
)

PERMIT NO. C-21318.

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Henry Fabrizius,-----
requesting that Permit No. C-21318 -----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21318 -----, heretofore issued to-----
Henry Fabrizius,-----be,
and the same is hereby, declared cancelled effective January 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John A. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT RUNCO, 417 WEST FIRST ST.),
SALIDA, COLORADO.)
) PERMIT NO. C-21340.
)
)
)

March 10, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Albert Runco,-----
requesting that Permit No. C-21340 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21340, heretofore issued to-----
Albert Runco,-----be,
and the same is hereby, declared cancelled effective January 22, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
KENT OIL COMPANY, COLLEGE &)
BISHOP STS., SALINA, KANSAS.)
)
)
)

PERMIT NO. C-21.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Kent Oil Company,.....
requesting that Permit No. C-21..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21....., heretofore issued to.....
Kent Oil Company,..... be,
and the same is hereby, declared cancelled effective January 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. L. FUNK, RAY MARSH, & RALPH)
FUNK, DOING BUSINESS AS "CITY)
MARKET," 136 "G" STREET, SALIDA,)
COLORADO.)

PERMIT NO. C-856.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
H. L. Funk, Ray Marsh, & Ralph Funk, d/b/a City Market,.....
requesting that Permit No. C-856..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-856....., heretofore issued to.....
H. L. Funk, Ray Marsh, & Ralph Funk, d/b/a City Market,..... be,
and the same is hereby, declared cancelled effective January 31, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ABE & SAM COHEN, DOING BUSINESS)
AS "MONARCH FUEL & SUPPLY CO.")
129 WALNUT ST., DENVER 4, COLO.)
-----)
PERMIT NO. C-928.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Abe & Sam Cohen, d/b/a Monarch Fuel & Supply Co.,.....
requesting that Permit No. C-928.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-928....., heretofore issued to.....
Abe & Sam Cohen, d/b/a Monarch Fuel & Supply Co.,.....be,
and the same is hereby, declared cancelled effective January 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Winters

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE CARLEY, RICO, COLORADO.)
)
) PERMIT NO. C-1357.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Joe Carley,.....
requesting that Permit No. C-1357 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-1357, heretofore issued to.....
Joe Carley,..... be,
and the same is hereby, declared cancelled effective February 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD R. BACHMAN, 571 SO.)
LINCOLN ST., DENVER 9, COLORADO.)
)
)
)

PERMIT NO. C-1366.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Howard R. Bachman,
requesting that Permit No. C-1366 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-1366, heretofore issued to.....
Howard R. Bachman,.....be,
and the same is hereby, declared cancelled effective January 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LAKESIDE BUTTER CO., DIVISION)
OF PLYMOUTH PRODUCTS, INC.,)
1260 CURTIS, DENVER 4, COLORADO)
-----)

PERMIT NO. C-3240.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Lakeside Butter Co., Division of Plymouth Products, Inc.,.....
requesting that Permit No. C-3240.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-3240....., heretofore issued to.....
Lakeside Butter Co., Division of Plymouth Products, Inc.,.....be,
and the same is hereby, declared cancelled effective March 2, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. RIGGS, RT 2, BOX 51,)
TRINIDAD, COLORADO.)
) PERMIT NO. C-3492.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
W. E. Riggs,.....
requesting that Permit No. C-3492 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-3492, heretofore issued to.....
W. E. Riggs,..... be,
and the same is hereby, declared cancelled effective January 12, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

John B. B...

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM WAGNER, ROUTE 2,)
GRAND JUNCTION, COLORADO.)
)
)
)
)
)

PERMIT NO. C-8330.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
William Wagner,.....
requesting that Permit No. C-8330 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-8330, heretofore issued to.....
William Wagner,..... be,
and the same is hereby, declared cancelled effective January 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GILBERT GRAFF, WIGGINS, COLORADO }
)
)
)

PERMIT NO. C-9074.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Gilbert Graff,.....
requesting that Permit No. C-9074 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-9074, heretofore issued to.....
Gilbert Graff,..... be,
and the same is hereby, declared cancelled effective January 16, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SPENCER TRAILER CO. INC.,)
AUGUSTA, KANSAS.) PERMIT NO. C-9746.
-----)

March 15, 1949.

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Spencer Trailer Co. Inc.,
requesting that Permit No. C-9746.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-9746....., heretofore issued to.....
Spencer Trailer Co. Inc.,.....be,
and the same is hereby, declared cancelled effective January 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD BURD, DOING BUSINESS AS)
FLOYD'S TIRE SHOP, 804 MAIN ST.)
CANON CITY, COLORADO.)
-----)

PERMIT NO. C-9788.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Floyd Burd, d/b/a Floyd's Tire Shop,.....
requesting that Permit No. C-9788.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-9788....., heretofore issued to.....
Floyd Burd, d/b/a Floyd's Tire Shop,.....be,
and the same is hereby, declared cancelled effective January 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HOME PRODUCTS CO. INC., 1439 SO.
BANNOCK ST., DENVER 10, COLORADO.

PERMIT NO. C-12996.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Home Products Co. Inc.,.....
requesting that Permit No. C-12996 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-12996, heretofore issued to.....
Home Products Co. Inc.,..... be,
and the same is hereby, declared cancelled effective December 31, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER WINTERS, ROMEO, COLORADO)
)
) PERMIT NO. C-13898.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Walter Winters,.....
requesting that Permit No. C-13898.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-13898....., heretofore issued to.....
Walter Winters,.....be,
and the same is hereby, declared cancelled effective February 2, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John H. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OLIVER & NORREL FIRKINS, DOING)
BUSINESS AS "FIRKINS BROS. AUTO)
SERVICE," BOX 165, MERINO,)
COLORADO.)
-----)

PERMIT NO. C-21459.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Oliver & Norrel Firkins, d/b/a Firkins Bros. Auto Service,

requesting that Permit No. C-21459.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21459....., heretofore issued to.....
Oliver & Norrel Firkins, d/b/a Firkins Bros. Auto Service,.....be,
and the same is hereby, declared cancelled effective February 7, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. R. COOK, 1116 12th, GARDEN)
CITY, KANSAS.)
)
)
)
)

PERMIT NO. C-21585.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
C. R. Cook,.....
requesting that Permit No. C-21585 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21585, heretofore issued to.....
C. R. Cook,..... be,
and the same is hereby, declared cancelled effective January 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Bar

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES R. SCHAUL, 3324 WEST-)
MINSTER ST., WESTMINSTER,)
COLORADO.) PERMIT NO. C-21621.
)
)
)
-----)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Charles R. Schaul,-----
requesting that Permit No. C-21621-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21621-----, heretofore issued to-----
Charles R. Schaul,-----be,
and the same is hereby, declared cancelled effective January 12, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ORVAL S. ACHORS, RT. 2, FRANK-)
FORT, INDIANA.)
)
)
)
)
-----)

PERMIT NO. C-21922.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Orval S. Achors,-----
requesting that Permit No. C-21922-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21922-----, heretofore issued to-----
Orval S. Achors,-----be,
and the same is hereby, declared cancelled effective February 14, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Bass

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN MARTINO, RT 2 BOX 768,)
PUEBLO, COLORADO.)
PERMIT NO. C-21952.
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
John Martino,
requesting that Permit No. C-21952 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21952, heretofore issued to.....
John Martino, be,
and the same is hereby, declared cancelled effective January 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LAWRENCE O. & DOROTHY H. MONSEES,)
2572 CHASE ST., DENVER 14,) PERMIT NO. C-22053.
COLORADO.)
)
)
)
-----)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Lawrence O. & Dorothy H. Monsees,

requesting that Permit No. C-22053.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22053....., heretofore issued to.....
Lawrence O. & Dorothy H. Monsees,.....be,
and the same is hereby, declared cancelled effective February 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 194 9.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD W. GARLOW, JR., 1630 SO.)
HOLLY, DENVER 7, COLORADO.)
) PERMIT NO. C-22156.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Floyd W. Garlow, Jr.,.....
requesting that Permit No. C-22156 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22156, heretofore issued to.....
Floyd W. Garlow, Jr.,..... be,
and the same is hereby, declared cancelled effective February 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
KENNETH L. BOWSER, GILCREST,)
COLORADO.) PERMIT NO. C-18931.
)
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Kenneth L. Bowser,-----
requesting that Permit No. C-18931 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-18931, heretofore issued to-----
Kenneth L. Bowser,-----be,
and the same is hereby, declared cancelled effective January 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hartman

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD WHALEN, 308 TOLUCA AVE.)
ALLIANCE, NEBRASKA.)

PERMIT NO. C-22249.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Richard Whalen,
requesting that Permit No. C-22249 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22249, heretofore issued to.....
Richard Whalen, be,
and the same is hereby, declared cancelled effective March 2, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. H. MATTINGLY & N. C. GUNTER,)
DOING BUSINESS AS "NORTHSIDE)
GROCETERIA," 1213 ELIZABETH,) PERMIT NO. C-22324.
PUEBLO, COLORADO.)
-----)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
J. H. Mattingly & N. C. Gunter, d/b/a Northside Groceteria,.....
requesting that Permit No. C-22324.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22324....., heretofore issued to.....
J. H. Mattingly & N. C. Gunter, d/b/a Northside Groceteria,.....be,
and the same is hereby, declared cancelled effective February 7, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Houtant

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM M. HANRAHAN, RT 2 BOX 373,)
GREELEY, COLORADO.)

PERMIT NO. C-22608.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Tom M. Hanrahan,
requesting that Permit No. C-22608 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22608, heretofore issued to.....
Tom M. Hanrahan, be,
and the same is hereby, declared cancelled effective February 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

George W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PHILLIP POWELL, 1154 CORONA,)
DENVER 3, COLORADO.)

PERMIT NO. C-22747.

March 15, 1949

S T A T E M E N T

By the Commission:

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

Phillip Powell,

requesting that Permit No. C-22747 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22747, heretofore issued to.....

Phillip Powell, be,

and the same is hereby, declared cancelled effective February 16, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 15th day of March, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PRICE WAYT, DOING BUSINESS AS)
"ECO TRADING POST," 1027 MAIN)
AVENUE, DURANGO, COLORADO.) PERMIT NO. C-14347.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Price Wayt, d/b/a Eco Trading Post,
requesting that Permit No. C-14347.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-14347....., heretofore issued to.....
Price Wayt, d/b/a Eco Trading Post,.....be,
and the same is hereby, declared cancelled effective January 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MORTON G. WOBST, BOX 19-A,)
SALIDA, COLORADO.)
) PERMIT NO. C-14591.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Morton G. Wobst,.....
requesting that Permit No. C-14591.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-14591....., heretofore issued to.....
Morton G. Wobst,.....be,
and the same is hereby, declared cancelled effective January 21, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. B. ...

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. SHELTON, BOX 361, CRAIG,)
COLORADO.)
) PERMIT NO. C-14968.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
J. B. Shelton,.....
requesting that Permit No. C-14968.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-14968....., heretofore issued to.....
J. B. Shelton,.....be,
and the same is hereby, declared cancelled effective March 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JESSE M. CHASE, INC., P. O. BOX)
1552, POCA TELLO, IDAHO)

PERMIT NO. C-15236.

March 15, 1949

STATEMENT

By the Commission:

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

Jesse M. Chase, Inc.,

requesting that Permit No. C-15236 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That permit No. C-15236, heretofore issued to.....

Jesse M. Chase, Inc., be.

and the same is hereby, declared cancelled effective February 4, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

✻ ✻ ✻ ✻

RE MOTOR VEHICLE OPERATIONS OF)
G. T. THOMPSON, BOX 405,)
FLORENCE, COLORADO.)

PERMIT NO. C-16116.

March 15, 1949

STATEMENT

By the Commission:

The commission is in receipt of a communication from.....
G. T. Thompson,
.....
requesting that Permit No. C-16116.....be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That permit No. C-16116, heretofore issued to G. T. Thompson, be, and the same is hereby, declared cancelled effective January 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. BURK, COTOPAXI, COLO.)
)
) PERMIT NO. C-16152.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
C. C. Burk,

requesting that Permit No. C-16152 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-16152, heretofore issued to.....
C. C. Burk, be,

and the same is hereby, declared cancelled effective February 4, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Baker

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL A. TIPTON AND F. G. TWEEDIE,)
DOING BUSINESS AS "MIDWEST)
BEVERAGE CO." 215 SO. WASHINGTON,)
HUTCHINSON, KANSAS.)
-----)

PERMIT NO. C-16159.

March 15, 1949 -----

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Carl A. Tipton and F. G. Tweedie, d/b/a Midwest Beverage Co.

requesting that Permit No. C-16159 ----- be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-16159 -----, heretofore issued to-----
Carl A. Tipton and F. G. Tweedie, d/b/a Midwest Beverage Co., ----- be,
and the same is hereby, declared cancelled effective January 18, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
D. R. JAMES, BROKEN BOW, NEBR.)
)
) PERMIT NO. C-17494.
)
)
)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
D. R. James,.....
requesting that Permit No. C-17494.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17494....., heretofore issued to.....
D. R. James,.....be,
and the same is hereby, declared cancelled effective February 4, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barr

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. G. RORABAUGH, OTIS, COLORADO)
)
)
)
)

PERMIT NO. C-17589.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
H. G. Rorabaugh,.....
requesting that Permit No. C-17589.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17589....., heretofore issued to.....
H. G. Rorabaugh,.....be,
and the same is hereby, declared cancelled effective December 31, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

George W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. McDONALD, RT. 4, BOX 70,)
GREELEY, COLORADO.)
)
)
)

PERMIT NO. C-17901.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
J. B. McDonald,

requesting that Permit No. C-17901..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17901....., heretofore issued to.....
J. B. McDonald,
----- be,
and the same is hereby, declared cancelled effective February 2, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Oscar R. Barry

James W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
SOUTHERN COLORADO POWER COMPANY TO
TRANSFER TO PUEBLO TRANSIT COMPANY
CERTIFICATE AUTHORIZING BUS SERVICE
BETWEEN PUEBLO, COLORADO, AND THE
NORTHERN AVENUE GATE OF THE MINNEQUA
PLANT OF THE COLORADO FUEL AND IRON
CORPORATION, AND TO AND FROM INTER-
VENING POINTS. (PUC NO. 1464.)

APPLICATION NO. 9862
TRANSFER

March 5, 1949

Appearances: Devine, Preston and Peterson, Esqs.,
Pueblo, Colorado, for Transferor;
Harry S. Petersen, Esq., Pueblo,
Colorado, and
Strachan, Horn and Anderson, Esqs.,
Colorado Springs, Colorado,
for Transferee.

S T A T E M E N T

By the Commission:

By Decision No. 19263, in Application No. 5922-B, the Commission granted a certificate of public convenience and necessity to Southern Colorado Power Company, for the operation of motor vehicle bus service for the transportation of passengers for hire between points in the City of Pueblo, Colorado, and the Northern Avenue Gate of the Minnequa Plant of The Colorado Fuel and Iron Corporation, with the right to serve all intermediate points, which bus service said Southern Colorado Power Company has ever since operated, and is now operating.

Pueblo Transit Company, transferee herein, is a corporation, organized and existing under the laws of the State of Colorado, duly authorized to engage in the business of transporting passengers for hire by motor vehicle busses within the State of Colorado, and its chief office is located at Pueblo, Colorado.

Southern Colorado Power Company is principally engaged as an electric utility in furnishing light, heat, and power service in the City of Pueblo and in the County of Pueblo, and in several other cities, towns, and counties in the Arkansas Valley, and elsewhere, in the State of Colorado, and also furnishes motor vehicle passenger bus service in said Pueblo, which is a Home Rule city, under a franchise and license granted by the City Council of said City, and the bus service operated by Southern Colorado Power Company under PUC No. 1464 is merely an adjunct to the passenger bus service operated by said Southern Colorado Power Company in the said City of Pueblo, and the distance traversed by said Company's bus line outside the corporate limits of Pueblo is only 1.37 miles.

Until December, 1947, said Southern Colorado Power Company operated an electric street railway in said City of Pueblo, which it discontinued at that time and converted all of its passenger-carrying business in said City of Pueblo to motor vehicle bus service. Said electric street railway operation was akin to the principal business conducted by said Southern Colorado Power Company, but said passenger bus service is foreign to the principal business conducted by said Power Company, and said Power Company is desirous of selling its passenger bus system and devoting its entire attention to its principal business as an electric utility.

The evidence discloses that Southern Colorado Power Company desires to sell its passenger bus system, together with its Pueblo City franchise and license to operate same within the City, also the authority covered by PUC No. 1464, to Pueblo Transit Company; that the City Council of Pueblo has consented to the transfer to the said Pueblo Transit Company of said Pueblo City Bus Franchise and License, as is evidenced by a certified copy of its Resolution filed with the Commission and marked "Exhibit C," and has likewise signified that it has no objection to transfer by said Southern Colorado Power Company to Pueblo Transit Company of the said certificate of public convenience and necessity issued to the said Power Company by this Commission, for the operation of its passenger bus line outside the City of Pueblo.

The files further disclose that the Southern Colorado Power Company has no creditors to which it is indebted on account of expenses of its operation of said bus system.

The total consideration to be paid by Pueblo Transit Company to Southern Colorado Power Company for the transfer of its passenger bus system is Four Hundred Forty-three Thousand Dollars (\$443,000.00), plus an undetermined additional amount for supplies consisting of repair parts, Diesel fuel, and a spare Diesel motor and transmission, to be paid for at book inventory value as of December 31, 1948, less appropriate adjustment to date of closing said purchase.

It does not appear that there is any competing transportation system which can in any way be adversely affected by such transfer and assignment.

It further appears that transferee is well qualified -- financially and by experience -- to carry on the business of operating a bus transit operation in Metropolitan Pueblo. The financial statement of Pueblo Transit Company is filed with this Commission and marked "Exhibit B," which by reference is made a part of this Statement.

Inasmuch as there will be no interruption in service -- the operation being continuous --- and the City of Pueblo and the Board of County Commissioners of Pueblo County acquiescing therein, the Commission is of the opinion that no useful purpose would be served by setting said matter for formal hearing. Therefore, the Commission determined to hear, and has heard, said application forthwith, to-wit, on the third day of March, 1949, without formal notice, and has taken the instant matter under advisement.

F I N D I N G S

The Commission, being now sufficiently informed in the premises,
FINDS:

That the proposed transfer is in the public interest, and that the

Southern Colorado Power Company be authorized to transfer PUC No. 1464 to Pueblo Transit Company, a Colorado corporation.

O R D E R

THE COMMISSION ORDERS:

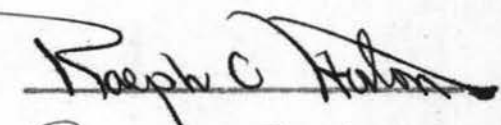
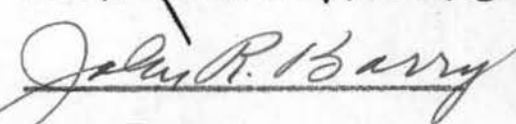

That Southern Colorado Power Company be, and it hereby is, authorized to transfer all its right, title, and interest in and to PUC No. 1464 to Pueblo Transit Company, a Colorado corporation.

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

That the right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering its operations under said certificate, and the payment by it, or by transferee, of all unpaid passenger-mile tax.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 5th day of March, 1949.

Original

(Decision No. 32295)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
J. W. HAYDEN AND WESLEY E. HAYDEN,
DOING BUSINESS AS "UINTAH STAGE
LINE," GRAND JUNCTION, FOR AUTHORITY
TO TRANSFER A PORTION OF PUC NO. 6
TO AMOS CROSBY, DOING BUSINESS AS
"GRAND MESA RAPID TRANSIT," GRAND
JUNCTION, COLORADO.

APPLICATION NO. 9683-Transfer.

March 10, 1949

Appearances: Jones and Stauffer, Esqs.,
Denver, Colorado, for
transferors;
Haynie and Hotchkiss, Esqs.,
Grand Junction, Colorado,
for transferee.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting,
after appropriate notice to all parties in interest, was heard at Grand
Junction, Colorado, February 28, 1949, and was there taken under advisement.

By said application, J. W. Hayden and Wesley E. Hayden, co-
partners, doing business as "Uintah Stage Line," Grand Junction, Colorado,
seek authority to transfer to Amos Crosby, doing business as "Grand Mesa
Rapid Transit," Grand Junction, Colorado, that portion of PUC No. 6 which
authorizes:

transportation of passengers for hire by motor
bus within an area of five (5) miles of the
present city limits of the City of Grand Junction,
Mesa County, Colorado, except the picking up and
discharging of passengers within said five (5)
mile area on U. S. Highways 6 and 24 and U. S.
Highways 6 and 50.

At the hearing, it appeared that the consideration for transfer
of said operating rights is the sum of \$2,500.00, \$500.00 of which has been
paid, the balance of \$2,000.00 to be paid upon approval of transfer by the
Commission; that transferee, pecuniarily and otherwise, is able, willing,
and qualified to carry on the operation, his net worth being approximately
\$184,500.00.

Transferee stated that in the event authority requested is granted, he proposes to operate the following schedules (Exhibits B and C at the hearing):

"BUS SCHEDULE ORCHARD MESA

WEEKDAY

LEAVE
5th and Main
AM

7:10
7:30
7:55
8:30
9:00
10:00
11:00
11:30

PM

12:00
12:30
1:00
1:30
2:00
2:30
3:00
3:30
4:00
4:30
5:00
5:30
6:00
6:30
7:00
8:00
9:00
10:00

LEAVE
4 Corners Store
AM

7:45
8:05
8:45
9:15
10:15
11:15

PM

12:15
1:15
2:15
3:15
4:15
5:15
6:15
7:15
8:15
9:15
10:15

LEAVE
Cherry Lane
AM

7:20
7:50
8:10
8:50
9:20
10:20
11:20
11:50

PM

12:50
12:50
1:20
1:50
2:20
2:50
3:20
3:50
4:20
4:50
5:20
5:50
6:20
6:50
7:20
8:20
9:20
10:20

SUNDAY: Leave 5th and Main on the hour.
Leave 4 Corners 15 minutes past
the hour — from 9:00 A.M. to 10:00 P.M."

"BUS SCHEDULE REDLANDS

WEEKDAY

LEAVE
Copeland
Drug Cor.
AM

7:30
8:30
9:30
10:30
11:30

PM

12:30
1:30
2:30
3:30
4:30
5:30
6:30

LEAVE
End of
Line
AM

7:36
8:36
9:36
10:36
11:36

PM

12:36
1:36
2:36
3:36
4:36
5:36
6:36

"ROUTE: Main to Spruce to Grand.
Return same route.
FARE: 15¢ Includes free transfers
to or from any other line."

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That J. W. Hayden and Wesley E. Hayden, co-partners, doing business as "Uintah Stage Line," Grand Junction, Colorado, be, and they hereby are, authorized to transfer to Amos Crosby, doing business as "Grand Mesa Rapid Transit," Grand Junction, Colorado, that portion of PUC No. 6 which authorizes:

transportation of passengers for hire by motor bus within an area of five (5) miles of the present city limits of the City of Grand Junction, Mesa County, Colorado, except picking up and discharging of passengers within said five-mile area on U. S. Highways Nos. 6 and 24 and U. S. Highways Nos 6 and 50,

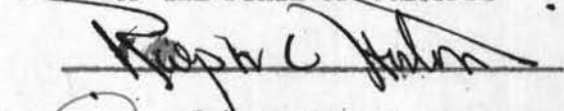
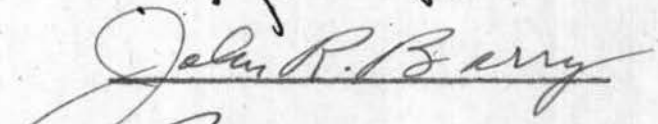

transferors to retain the number "PUC No. 6" a new number to issue to transferee covering operating rights herein authorized to be transferred.

That schedule of transferee shall be as set forth in the Statement preceding, which by reference is made a part hereof.

That rules and regulations of transferors shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1949.

L.T.L. - Means Less Truckload
 6 M - " Minimum Weight 6,000 lbs.
 10 M - " " " 10,000 lbs.
 16 M - " " " 16,000 "
 Column A represents Present Rates.
 " B " Proposed "

At the hearing (March 1, 1949), Guy Hart introduced an exhibit consisting of five (5) pages containing various information which will be discussed later in this report. John Hartway and Lester Smith, operating in the Sterling area, testified in support of the petition. Shirley Avery, operating in the Buena Vista area, testified in opposition to the petition. Alice Blakley of Blakley and Blakley, Denver, Colorado and E. O. Stevens, Hudson, Colorado entered their appearance in support of the petition but were not prepared to offer any testimony.

It was stated on the record that the Livestock Division of the Colorado Motor Carriers' Association was preparing to file a petition in the near future requesting an increase in the livestock rates. Therefore, any adjustment under the instant case would be in the nature of an interim increase for carriers performing short haul service.

Witness Hart's exhibit shows in part the following data for the year 1948:

Operating revenue - - - - -	\$20,934.72
" expenses - - - - -	<u>20,589.47</u>
Profit - \$	345.25
Total Tonnage in pounds - - - - -	13,740,934
Truck miles - - - - -	62,885
Ton " - - - - -	234,626.448
Revenue per truck mile - - - - -	33.2¢
Cost " " " - - - - -	32.7¢
Number of shipments - - - - -	591
" " " (L.T.L.) - - - - -	137
" " " (6 M lbs.) - - - - -	59
" " " (10 M lbs.) - - - - -	29
" " " (16 M lbs.) - - - - -	366
Average length of haul - - - - -	34.15 miles
" truck miles per shipment - - - - -	106.40 "

The average loaded movement represents approximately 32 per cent of the average distance traveled (including both empty and loaded movements) per shipment. In other words, it requires on the average, 106 miles of travel for an average loaded movement of 34 miles.

The shipments weighing 16,000 pounds or more represent 56.85 per cent of the total number of shipments transported, which indicates that the bulk of the traffic is being transported under the 16,000 pound rates.

A comparison of the applicable rates in 1941 on a 12,000 pound minimum weight with the present rates on a 16,000 pound minimum weight is as follows:

<u>Distance Miles</u>	<u>11-9-41 12,000 lbs.</u>	<u>Present 16,000 lbs.</u>	<u>Per Cent Increase</u>
15	6	8	33.33
20	7½	9	21.43
25	9	10	11.10
30	10	11	10.00
35	11	12	9.09
40	12½	13	4.00
45	13	14	7.70
50	13½	15	11.10

The composite overall increase represents approximately 6 1/3 per cent, which, certainly is not in line with the increases in the costs of operation of any of the transportation agencies.

The record shows that in the year 1948, Mr. Hart borrowed \$3,203.48 which was used in the operation of his business and for living expenses, which is not included as a revenue item in his exhibit.

Witness Hartway presented a profit and loss statement showing a loss from his trucking operations of \$1,140.59 with a revenue of \$5,946.20. Details relative to tonnage, ton-miles, truck-miles, etc., were not presented by this witness.

Witness Smith testified that his short haul traffic was not profitable, more particularly, movements over county highways and between farms. He presented no figures in support of his testimony.

Witness Avery testified that he was not opposed to the proposed adjustment in plains territory. However, he did not want it made applicable to his operation, as he felt any increase on his short haul movements would drive traffic from his line, and he needed the short-haul business along with the long-haul, in order to keep his trucks busy.

The motor carriers operating in plains territory, whose average haul is 50 miles or less, such as the Farm Hauling Service, are no doubt entitled to an increase in rates, more especially for distances 15 to 50 miles, as proposed herein, if they are to continue in business.

The mountain territory present rates present a somewhat different picture, as such rates are not less than 30 per cent higher than those prevailing in plains territory, and the volume of the rates apparently are sufficiently

high to pay for the service on short haul movements. At least, no one appeared at the hearing in support of the proposed increases.

The overall picture covering the proposed L.T.L., 6,000 pounds, 10,000 pounds and 16,000 pounds, plains territory rates represents an increase of approximately 11 per cent.

There is no way to ascertain at this time what the result of the proposed increases will be. However, on the basis of the operating revenue for 1948 of the Farm Hauling Service increased 11 per cent and using the same operating expenses, the profit would be \$2,643.07, as against the profit of \$345.25 as shown in the exhibit.

F I N D I N G S

THE COMMISSION FINDS:

That, as a temporary measure, the proposed adjustment of rates as hereinbefore set forth, in plains territory, should be authorized; that in all other respects the said petition should be denied.


O R D E R

THE COMMISSION ORDERS:

That, the statement and findings are made a part hereof; that this order shall become effective forthwith; that all motor vehicle common carriers and all private carriers by motor vehicle, to the extent they are affected, be, and they are hereby notified and required to cancel all schedules in conflict with the rates referred to in the above statement and findings, on March 15, 1949, upon notice to this Commission and to the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act and Section 10, Chapter 120, Session Laws of 1931, as amended; that the rates referred to in the statement and findings shall be published by all motor vehicle common carriers and private carriers by motor vehicle, operating in intrastate commerce, in the State of Colorado, to the extent they are affected, to become effective March 15, 1949, on notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act and Section 10, Chapter 120, Session Laws of 1931, as amended; that on and

after March 15, 1949, all motor vehicle common carriers, to the extent they are affected, shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than those herein prescribed; that on and after March 15, 1949, all private carriers by motor vehicle, to the extent they are affected, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed; that this order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier; that the petition insofar as it pertains to the mountain scale of rates, be, and the same is hereby denied; that the order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force until the further order of the Commission; that jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Holman
John P. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado
this 8th day of March, 1949.

hn

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HALLET McKINNEY, RURAL ROUTE 1,)
BENNETT, COLORADO.)
)
)
)

PERMIT NO. C-21165.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Hallet McKinney,.....
requesting that Permit No. C-21165.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21165....., heretofore issued to.....
Hallet McKinney,.....be,
and the same is hereby, declared cancelled effective January 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES A. DAVIS, P. O. BOX 51,)
SEDALIA, COLORADO.)
)
)
)
)

PERMIT NO. C-16602.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Charles A. Davis,.....
requesting that Permit No. C-16602 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-16602....., heretofore issued to.....
Charles A. Davis,.....be,
and the same is hereby, declared cancelled effective February 21, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MORRIS KOSOFKY, DOING BUSINESS)
AS "MORRIS USED CAR CO." 1818) PERMIT NO. C-18603.
ARAPAHOE ST., DENVER 2, COLO.)
)
)
-----)

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Morris Kosofsky, d/b/a Morris Used Car Co.,
requesting that Permit No. C-18603 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-18603, heretofore issued to.....
Morris Kosofsky, d/b/a Morris Used Car Co., be,
and the same is hereby, declared cancelled effective **January 29, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Norton
John R. Brown
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. L. CANDA, JR., DOING BUSINESS)
AS "PIGGLY WIGGLY #21" WEST-)
CLIFFE, COLORADO.)
)
)
)

PERMIT NO. C-19080.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
C. L. Canda, Jr., d/b/a Piggly Wiggly #21,
requesting that Permit No. C-19080 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19080, heretofore issued to.....
C. L. Canda, Jr., d/b/a Piggly Wiggly #21, be,
and the same is hereby, declared cancelled effective January 8, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hart
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. HESKETT & J. ROSS BAKER,)
307 N. 8TH STREET, ROCKY FORD,)
COLORADO.)
-----)

PERMIT NO. C-19218.

March 15, 1949

S T A T E M E N T

By the Commission:

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

C. A. Heskett & J. Ross Baker,

requesting that Permit No. C-19218 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19218, heretofore issued to.....

C. A. Heskett & J. Ross Baker,.....be,

and the same is hereby, declared cancelled effective February 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Berry

George W. Hickey

Commissioners

Dated at Denver, Colorado,

this 15th day of March, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. & B. D. LEONARD & D. C.)
LUNDY, DOING BUSINESS AS "LUNDY)
LEONARD," 314 SO. VICTORIA ST.,)
PUEBLO, COLORADO.)

PERMIT NO. C-19456.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
C. W. & B. D. Leonard & D. C. Lundy, d/b/a Lundy-Leonard,.....
requesting that Permit No. C-19456.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19456....., heretofore issued to.....
C. W. & B. D. Leonard & D. C. Lundy, d/b/a Lundy-Leonard,.....be,
and the same is hereby, declared cancelled effective March 7, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. B. ...

Joseph W. ...

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT Y. POCOCK, JR., 528 FRONT)
ST., FAIRPLAY, COLORADO.)
)
)
)

PERMIT NO. C-19565.

March 15, 1949

S T A T E M E N T

By the Commission:

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

Robert Y. Pocock, Jr.,.....

requesting that Permit No. C-19565 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19565, heretofore issued to.....

Robert Y. Pocock, Jr.,..... be,

and the same is hereby, declared cancelled effective January 27, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Baring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. W. SHAFFER, 2418 4TH AVENUE,)
PUEBLO, COLORADO.)
)
)
)

PERMIT NO. C-19883.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
E. W. Shaffer,.....
requesting that Permit No. C-19883.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19883....., heretofore issued to.....
E. W. Shaffer,.....be,
and the same is hereby, declared cancelled effective February 17, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL D. CLARK, P. O. BOX 1116,)
DURANGO, COLORADO.)

PERMIT NO. C-19943.

March 15, 1949

S T A T E M E N T

By the Commission:

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

Paul D. Clark,

requesting that Permit No. C-19943 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19943, heretofore issued to.....

Paul D. Clark,

be,

and the same is hereby, declared cancelled effective January 16, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Berry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SECURITY WAREHOUSES, INC., 719)
EAST FIRST ST., LA JUNTA, COLO.)
)
)
)
-----)
PERMIT NO. C-20362.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Security Warehouses, Inc.,

requesting that Permit No. C-20362 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20362, heretofore issued to-----
Security Warehouses, Inc.,
-----be,
and the same is hereby, declared cancelled effective December 31, 1948.

THE PUBLIC UTILITIES COMMISSION
~~OF THE STATE OF COLORADO~~
Ralph C. Horton
John R. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of March, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIE G. VASQUEZ, 3655 CHEST-)
NUT, ST., DENVER 5, COLORADO.)
)
)
)

PERMIT NO. C-20453.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Willie G. Vasquez,.....
requesting that Permit No. C-20453 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20453....., heretofore issued to.....
Willie G. Vasquez,..... be,
and the same is hereby, declared cancelled effective February 11, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

Charles R. B. J.

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.
ca

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE CHICK, RT 1, DELTA,)
COLORADO.)

PERMIT NO. C-20481.

March 15, 1949

S T A T E M E N T

By the Commission:

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

Clarence Chick,

requesting that Permit No. C-20481 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20481, heretofore issued to.....

Clarence Chick,.....be,

and the same is hereby, declared cancelled effective February 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John F. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL MILTENBERGER, SPRINGFIELD,)
COLORADO.)
)
)
)

PERMIT NO. C-20640.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Paul Miltenberger,
requesting that Permit No. C-20640 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20640, heretofore issued to
Paul Miltenberger, be,
and the same is hereby, declared cancelled effective February 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John H. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY COLLINS, 207 POLK, WALSEN-)
BURG, COLORADO.)
)
)
)
-----)

PERMIT NO. G-20773.

March 15, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----

Ray Collins,-----

requesting that Permit No. G-20773 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. G-20773, heretofore issued to-----

Ray Collins,-----be,

and the same is hereby, declared cancelled effective January 6, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Breen
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 15th day of March, 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT R. TYNER, 4228 JOSEPHINE)
STREET, DENVER 6, COLORADO.)

PERMIT NO. B-3930.

March 15, 1949

S T A T E M E N T

By the Commission:

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

Robert R. Tyner,

requesting that Permit No. B-3930 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3930, heretofore issued to.....

Robert R. Tyner,.....be,

and the same is hereby, declared cancelled effective January 16, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Baker

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REX E. KUHLMAN, BOX 47, RANGELY,)
COLORADO, FOR AN EXTENSION OF) APPLICATION NO. 9282-PY-Extension.
PERMIT NO. B-3795.)
-----)

March 10, 1949

Appearances: Rex E. Kuhlman, Rangely,
Colorado, pro se;
Marion F. Jones, Esq.,
Denver, Colorado, for
Watson Truck Line, J. J.
Statton Transportation
Company, and William Nelson.

S T A T E M E N T

By the Commission:

By Decision No. 27743, of date March 5, 1947, Rex E. Kuhlman, Box 47, Rangely, Colorado, was authorized to operate as a Class BB private carrier by motor vehicle for hire for the transportation of:

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

Permit No. B-3795 issued to applicant.

By the instant application, he seeks authority to extend his operations under said Permit No. B-3795 to include the transportation of supplies and equipment incident to and needed in the development and drilling of oil wells between points within the Rangely Oil field.

The application was set for hearing at the Court House in Glenwood Springs, Colorado, for January 25, 1949, and after notice to all parties in interest was there heard and taken under advisement.

Applicant testified that his equipment consisted of a 1947 International truck, two-ton, flat bed, equipped with winch and gin poles.

and pipe trailer. He gave his net worth as \$5,000.00. He had written the Commission on January 8, 1948, as to his intention to haul oil field supplies, and asked authority therefor, and the Commission's files show quite a voluminous correspondence relative to requirements made in connection with the original permit and with the proposed application for extension, which was finally filed on May 14, 1948. Hearing was set thereon at Meeker, Colorado, for June 1, 1948, and the hearing vacated. Evidently, applicant felt that he had taken all the steps necessary, and testified that he had been hauling oil field supplies for practically every oil company operating in the Rangely field for a year prior to hearing, and the demand for his service had kept him busy every day. His competitors are Bob Jones of Artesia and one Kirby of Rangely, private carriers, who have similar equipment and who started operations at the same time as applicant. There are but five oil rigs now working in the Field, and none of the common carriers, which formerly kept camps and equipment in the Field, now operate there except for occasional call and demand service. He admitted seeing Watson trucks occasionally. He can handle up to 30,000 pounds, and had established a rate of \$5.00 per hour for his truck and operator, and \$1.50 per hour for additional help, which he stated was the same rate charged by the other operators in the Field.

Benny Cothren of Rangely, Transportation Manager of Loffland Brothers Drilling Company, testified that he could use the service of applicant practically every day, and could obtain his services usually on ten minutes' notice. Applicant is more available than either Jones or Kirby, whom he had called many times when their trucks were too busy to respond. There is enough of this business to keep all three carriers busy all the time. Witness had never seen the equipment of William Nelson or Watson, common carriers in the Field. The headquarters of Stanton, a private carrier, were at Craig, about 100 miles distant from Rangely. Stanton equipment was often in the Field, but was too busy to give witness service. Witness had called Stanton to move four oil rigs from the Field to Grand Junction for shipment out of the State, and was advised that there would be a two-weeks delay, which resulted in a demurrage charge. He tried to get Jones for the

same service, but he also was too busy. He had called Stanton to haul one shipment to Canada, and also had called him to handle shipment of a pump, but Stanton did not have a small truck available. All the carriers mentioned charge the same rate. Witness defined the Rangely Field as lying within a 30-mile radius of Mangely, the producing well farthest from Mangely being within that radius on Douglas Creek.

William H. Carpenter, Rangely, Colorado, Manager of T. C. Drilling Company, testified that his company operated throughout the Field, and elsewhere, doing well-conditioning, work-over, deepening, coring, etc. Watson and Nelson, common carriers, had their headquarters at Craig, with call and demand authority in the Field. Witness had used Nelson, and had seen equipment of Watson in the Field. All the oil companies operating in the Field needed almost continuous service of carriers based in the Field in their work of moving rigs from location to location, moving small equipment, building pipe lines, etc. Companies such as his work by the hour, and the time element was very important, and he was not justified in calling Craig for service of a common carrier and paying extra for the time required to bring the necessary equipment from Craig to Mangely, and paying for the elapsed time on the return trip, when private carriers, such as Jones, Kirby, and Kuhlman were available at all times. Witness had called Jones and Kirby for service several times when they were too busy to spare equipment. Kuhlman has a truck with a larger bed than Kirby's, and witness called the one whose equipment best suited the particular job to be handled. He thought there was ample business in the Field to keep Jones, Kirby, and Kuhlman busy all the time.

In protest, Walter Utsinger, of the J. J. Stanton Transportation Company, a Class "B" private carrier with authority to transport oil well equipment, testified, without protest, that his company owned eight trucks especially equipped for such work, with winches, gin poles, etc., and another truck that could be converted to such use; also small equipment comparable to that of Kuhlman's. Common carriers with authority in the Field were Watson Truck Line of Craig, with a garage in the Rangely Field, five especially equipped oil field trucks, several trailers, and other equipment; William Nelson of Craig, with one especially equipped truck and two or three others

equipped for oil field work; L. C. Jones, who moved his equipment from the field more than a year ago; and Dawson and Corbett, who have no equipment in the Rangely Field. Witness had purchased the garage of L. C. Jones at Artesia. His equipment was largely maintained at his headquarters at Craig, but he often had equipment at "Pop's Place," twelve miles from Rangely, or at the former Jones Garage at Artesia, seventeen miles from Rangely, and his equipment was subject to call for use in the Rangely Field. His charge was \$6.50 per hour for equipment of the same size as that of Kuhlman's. All Watson's equipment was stationed at Craig. Only five rigs are now drilling in the Rangely Field, while from twenty-five to thirty were drilling about two years ago, the loss of business resulting in the removal from the field of the equipment of the common carriers formerly kept there.

This witness testified that he had lost \$13,000.00 during the three months prior to the hearing, and but from forty per cent to sixty per cent of his equipment is kept busy, with Watson having the same experience. He thought that the granting of additional authority would result in his company taking off more equipment and laying off more men. He defined the Rangely Field as lying within a radius of twenty miles of Rangely. He had no objection to the grant of authority, point to point within the Rangely Field, as his own business and that of the common carriers was hurt principally by the unauthorized transportation of commodities in and out of the Rangely Field.

No evidence was offered by either Watson or Nelson, the only common carriers who appeared, through counsel only, in protest.

In the opinion of the Commission, the testimony showed a definite need of service such as proposed by applicant by additional private carriers based at Rangely, and such service, if authorized, will not impair the efficient public service of the motor vehicle common carrier operations of protestants or other common carriers who may be serving the area; further, that the testimony justifies the Commission in fixing the area constituting the Rangely Oil Field as lying within a radius of thirty miles of Rangely; and the authority granted to applicant should be restricted to service point to point within such area.

F I N D I N G S

Upon the record as made, and after careful consideration thereof, the Commission is of the opinion, and finds, that it did not appear from the evidence that the granting of the instant application will impair the efficiency of existing common carrier motor vehicle services now operating in the area sought to be served by applicant, and that the Statement preceding shall be incorporated by reference as a part of these Findings, and that the extension applied for, as hereinafter limited and restricted, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Rex E. Kuhlman, Box 47, Rangely, Colorado, be, and he is hereby, authorized to extend his operations under Private Carrier Permit No. B-3795 to include the transportation of supplies and equipment incident to and needed in the development and drilling of oil wells, from point to point within the Rangely Oil Field, which is hereby defined as lying within a thirty-mile radius of Rangely, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. C. Harkness

John R. Barry

Joseph W. C. Harkness
Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1949.

de

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARNOLD WEISS, BOX 11, RANGELY,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 9747-PP

March 11, 1949

Appearances: Arnold Weiss, Box 11, Rangely,
Colorado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for Watson Truck
Line, J. J. Stanton Trans-
portation Company, and
William Nelson.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of oil field equipment, mud, oil base mud, and any equipment which is peculiar to the oil field and which will aid in the further development of the Rangely Oil Field.

The application was set for hearing at the Court House in Glenwood Springs, Colorado, for January 25, 1949, and after notice to all parties in interest was there heard and taken under advisement.

Applicant testified that his equipment consisted of a Diamond T Truck, 1945, 5-ton, and a 5-ton White Truck, 1944, equipped with winch bed and gin poles, and that his net worth was \$25,000.00. The equipment had been leased to William Nelson, a common carrier, and he wishes to cancel the lease and operate for himself. Other private carriers in the district were one Kirby, Rex E. Kuhlman, and Bob Jones, with the latter

having the only equipment of comparable size with the equipment of applicant, and having his headquarters at Artesia, Colorado, seventeen miles distant from Rangely. He has had twelve years' experience in the trucking business, and the operation proposed would be carried on about ninety per cent off highways and ten per cent across or on the highways, charging the same rates as charged by the other private carriers. There are but five oil rigs now working in the field, and none of the common carriers which formerly kept camps and equipment in the field now operate there except for occasional call and demand service.

William H. Carpenter, Rangely, Colorado, Manager of T. C. Drilling Company, testified that his company operated throughout the field and elsewhere, doing well-conditioning, work-over, deepening, coring, etc. Watson and Nelson, common carriers, had their headquarters at Craig, Colorado, with call and demand authority in the field. Witness had used Nelson and had occasionally seen equipment of Watson in the field. All the oil companies operating in the field need almost continuous service of carriers based in the field in their work of moving rigs from location to location, moving small equipment, building pipe lines, etc. Companies such as his work by the hour, and the time element was very important, and he was not justified in calling Craig, about a hundred miles distant, for the service of a common carrier, and paying extra for the time required to bring the necessary equipment from Craig to Rangely and paying for the elapsed time on the return trip, when private carriers such as Jones, Kirby, and Kuhlman were available at all times, and this applicant also would be available on short notice. Witness had called Jones and Kirby for service several times when they were too busy to spare equipment, and would call on Weiss for service in preference to the other private carriers because of the ability of applicant to handle heavy equipment without loss. While applicant would charge the same rates as the other private carriers, his customers would receive more return for their money. Witness would call the private carrier whose equipment best suited the particular job

to be handled, and thought there was ample business in the field to keep Jones, Kirby, Kuhlman, and Weiss busy all the time.

In protest, Walter Utzinger, of the J. J. Stanton Transportation Company, a Class "B" private carrier, with authority to transport oil well equipment, testified, without objection, that his company owned eight trucks especially equipped for such work with winches, gin poles, etc., and another truck that could be converted to such use; also equipment comparable with that of Weiss. Common carriers, with authority in the field were Watson Truck Line, of Craig, and William Nelson, of Craig. L. C. Jones and Dawson and Corbett, who formerly had common carrier authority, have not been in the field for more than a year. Witness sometimes has equipment within a few miles of Rangely, subject to call within the Rangely Field. All of Watson's and Nelson's equipment was stationed at Craig. The equipment of witness was not kept busy all the time, and Watson had had the same experience. He defined the Rangely Field as lying within a twenty-mile radius of Rangely. He had no objection to the grant of the authority sought from point to point within the Rangely Field, as his own business and that of the common carriers was hurt principally by the unauthorized transportation of commodities in and out of the Rangely Field.

No evidence was offered by either Watson or Nelson, the only common carriers who appeared through counsel only, in protest, and no evidence given as to any service rendered by them in the field.

In the opinion of the Commission, the testimony showed a definite need of service such as proposed by applicant, by additional private carriers based at Rangely, and such service, if authorized, will not impair the efficient public service of the motor vehicle common carrier operations of protestants or other common carriers who may be serving the area; further, that the testimony justifies the Commission in fixing the area constituting the Rangely Oil Field as lying within a radius of thirty miles of Rangely, and the authority granted to applicant should be restricted to service from point to point within such area.

F I N D I N G S

Upon the record as made, and upon careful consideration thereof, the Commission is of the opinion, and finds, that it did not appear from the evidence that the granting of the instant application will impair the efficiency of existing common carrier motor vehicle services now operating in the area sought to be served by applicant; that the Statement preceding shall be incorporated by reference as a part of these Findings, and that the authority requested, as hereinafter limited and restricted, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Arnold Weiss, Box 11, Rangely, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Oil field equipment, mud, oil base mud, and any equipment which is peculiar to the Rangely Oil Field and will aid in the further development of said oil field, from point to point within the Rangely Oil Field, only, which is hereby defined as lying within a thirty-mile radius of Rangely, Colorado.

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

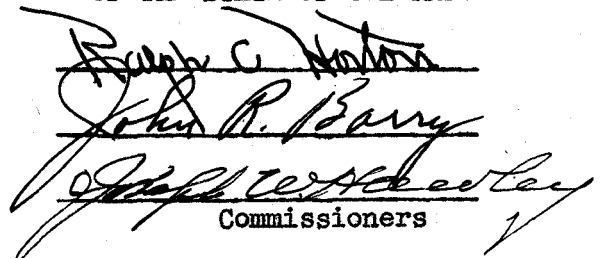
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 11th day of March, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 32314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM ROBERT STOW, DOING BUSINESS)
AS ARTESIA WATER CO., ASKING FOR AN)
ORDER AUTHORIZING THE DISCONTINUANCE)
OF THE OPERATION OF A WATER DISTRI-)
BUTION SYSTEM AT ARTESIA, COLORADO.)

APPLICATION NO. 9814

March 11, 1949

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

By the instant application, William Robert Stow, doing business as Artesia Water Co., Artesia, Colorado, seeks an order authorizing him to discontinue the distribution and sale of water as a public utility at Artesia, Colorado.

The application was set for hearing at the Court House in Craig, Colorado, for March 4, 1949.

After certain evidence had been given, it appeared that the customers of said Artesia Water Co., had not received proper notice of the hearing, and counsel for applicant moved that the setting be vacated and the application reset for hearing at some future date convenient to the Commission in Denver, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

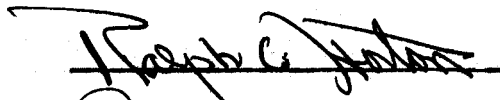
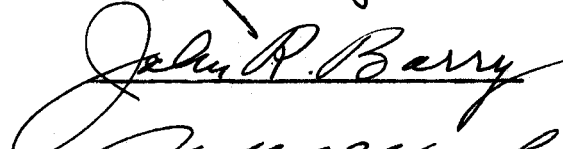
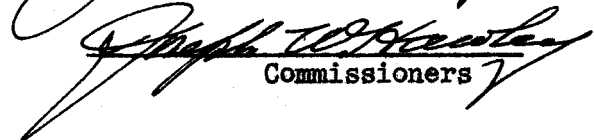
That the motion of counsel for applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That the setting herein be, and the same is hereby, vacated,
and said application be set for hearing at some future date at Denver,
Colorado, at the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 11th day of March, 1949.

EHC

original

(Decision No. 32315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. C. POUND, ROUTE 2, GRAND JUNCTION,)
COLORADO, FOR AN EXTENSION OF PERMIT) APPLICATION NO. 9780-PP-Extension.
NO. B-2390.)
-----)

March 12, 1949

Appearances: Haynie and Hotchkiss, Esqs.,
Grand Junction, Colorado,
for applicant;
Eugene H. Mast, Esq., Grand
Junction, Colorado, for W. K.
Hall transportation Company;
James H. Groves, Esq., Grand
Junction, Colorado, for
Plateau Valley Stage Line;
Jones and Stauffer, Esqs., Den-
ver, Colorado, for Britt Truck
Service, E. W. Wallace;
George Bunte, Palisade, Colo-
rado, pro se.

S T A T E M E N T

by the Commission:

E. C. Pound, applicant herein, is the owner of Private
Carrier Permit No. B-2390, which authorizes transportation by motor
vehicle for hire of:

livestock and farm produce from point to point
within Mesa County, Colorado, excluding service
from or to the area located within a ten-mile
radius of DeBeque, Colorado, with the right to
transport livestock and farm produce from and
to points within his said pick-up area, to and
from points within a radius of one hundred miles
of Grand Junction, Colorado; also empty cans
from Grand Junction to Appleton, Colorado, and
canned fruit from Appleton to railroad loading
points in Grand Junction, for the Grand Valley
Canning Company, only.

On Decision 28, 1948, applicant filed application to enlarge
and extend his authority under said permit, No. B-2390, to include the right
to transport, by motor vehicle for hire, livestock and farm produce from and
to points within his said pick-up area, to and from all points in the State
of Colorado.

W. R. Hall, of W. R. Hall Transportation Company, on February 16, 1949, filed formal protest, protesting the granting of the instant application.

The above matter was set for hearing, and heard, at Grand Junction, Colorado, on February 28, 1949, and there taken under advisement.

At the hearing, the evidence disclosed that applicant has a net worth of approximately \$15,000.00, and is presently operating a livestock transportation service for his customers, using three straight trucks equipped with stock racks.

Applicant stated that he has many requests to haul livestock beyond his one-hundred-mile radius -- principally to markets in Denver, but with occasional movements to other points in the State of Colorado beyond his presently-authorized territory; that these movements consist largely of feeder cattle and registered bulls.

J. H. Staniford, a livestock raiser who resides near Collbran, Colorado, stated he was presently using applicant's service, and had found applicant to be an excellent operator; that he desired to use applicant's service for transporting his livestock to the markets in Denver, and on occasions he would use said service to other points in Eastern Colorado.

Witness was questioned at some length as to the adequacy of present common carrier service. In answer, he stated that there were not sufficient livestock haulers in Mesa County to take care of the business promptly during the fall months or rush season. He attributed this to the fact that more cattlemen each year are sending their livestock to market by motor trucks, finding it more economical and satisfactory. The witness further stated that he considered Pound one of the best livestock haulers in Mesa County, and stated he would need Pound's proposed extended service.

Mr. Fred W. Goe, and W. D. Anderson -- both livestock men living in the Collbran area -- testified that they did not think the present motor vehicle common carrier service for the transportation of

livestock was adequate; that they, at the present time, were using applicant's service, and in the future would need his proposed extended service.

U. M. Hopkins, an auctioneer and livestock dealer who resides on Orchard Mesa, stated he had used Pound's service in hauling livestock, considered him an excellent operator, and also felt applicant's proposed extended service was needed by livestock raisers.

C. E. Greer, of Fruita, Colorado, who holds PUC No. 1061, testified that he did not feel the present livestock common carrier service in Mesa County was adequate to take care of the hauling needs.

W. R. Hall, of Grand Junction, Colorado, owner of W. R. Hall Transportation Company (PUC No. 345) who holds authority to serve Mesa County and other points in the State of Colorado, very vigorously protested the granting of the authority sought, stating he is presently operating three pieces of equipment in the transportation of livestock, and has been able to take care of all demands for his service.

E. W. Wallace, of Rifle, Colorado, holder of PUC No. 802, who likewise has authority in Mesa County and operates five pieces of equipment based at Grand Junction, Colorado, also protested the granting of the application.

The question now confronting the Commission is whether or not the instant application should be granted or denied. In deciding this matter, the Commission deems it expedient to consider the statute governing applications for private carrier permits. Section 3, Chapter 120, Session Laws of 1931, as amended, provides:

"No application for permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

From this, it would appear that the Act makes it incumbent upon the Commission to make two primary findings of fact before a permit can be granted. It would seem that the first is determination that there are no duly authorized motor vehicle common carriers then adequately serving the same territory over the same general highway route or routes. We, heretofore, have taken the view that if this negative fact can be established, then the question of impairment does not arise. But if the territory is being adequately served, then it becomes necessary, in order to sustain the granting of a permit, that the Commission find, secondly, that the proposed operation of any such private carrier will not impair the efficient public service of any authorized motor vehicle carrier, or carriers, then adequately serving the territory in which applicant seeks to operate. It is apparent to the Commission that the above-quoted portion of Section 3 established legislative recognition of the necessity of protecting common carriers by motor vehicle, as well as fostering the welfare of the travelling and shipping public and the preservation and maintenance of the public highways.

In the instant application, is there an adequate common carrier service now available to applicant's customers? We think, after careful review of the evidence, that adequate service is not available. Assuming, however, that it did not appear from the evidence that there was an adequate service, it then becomes necessary for protestants to show impairment of service. In other words, while unquestionably the burden of establishing the inadequacy of existing service rests upon the applicant, we frequently have held that the burden is not always upon the applicant to show non-impairment of the efficiency of common carrier service. In the administration of justice, it is often wise to place the burden of producing evidence on the party best able to sustain it. Hence, it is very generally held that where the party who has not the general burden of proof possesses positive facts, which party having that burden is called upon, or where for any reason the evidence to prove a fact is chiefly, if not entirely,

within his control, the burden rests on him to produce the evidence, although he is obliged to go no further than necessity requires. In the instant application, we cannot find from the record before us where the granting of the instant application will impair the efficiency of common carriers now authorized to serve in the area covered by this application.

FINDINGS

THE COMMISSION FINDS:

That the common carrier service in the territory applicant seeks to serve is inadequate, and it did not appear that the proposed service will tend to impair the efficiency of any common carrier service -- adequate or otherwise -- and that the extension of Permit No. B-2390 should be granted.

ORDER

THE COMMISSION ORDERS:

That E. C. Pound, Grand Junction, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-2390 to include the right to transport livestock and farm produce from his presently-authorized pick-up area to and from all points in the State of Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holton
John B. Barry
Joseph C. McCool
Commissioners.

Dated at Denver, Colorado,
this 12th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G. BARNHILL, DOING BUSINESS AS)
"BARNHILL TRUCK LINE," RAMAH, COLO-)
RADO, FOR CHANGE IN AND MODIFICATION)
OF PUC NO. 875.)
-----)

APPLICATION NO. 9302
SUPPLEMENTAL ORDER

March 12, 1949

Appearances: Jones and Stauffer, Esqs.,
Denver, Colorado, for
applicant;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
William V. Hodges, Esq.,
Denver, Colorado, for
Chicago, Rock Island and
Pacific Railway Company;
Frank Safranek, Esq., Limon,
Colorado, for Dee Wann,
L. C. LaBorde.

S T A T E M E N T

By the Commission:

By Decision No. 31866, of date December 31, 1948, operating rights of G. Barnhill, doing business as "Barnhill Truck Line," Ramah, Colorado, under PUC No. 875 were clarified by this Commission, pursuant to request therefor from said certificate-holder.

G. Barnhill, through his attorney, Marion F. Jones, now requests that said Decision No. 31866 be amended, to include the right to serve Buick, Colorado, he stating that inadvertently request for authority to serve said town was omitted from application for clarification of PUC No. 875.

It appears from the records and files of the Commission that G. Barnhill has been, and now is, serving the Town of Buick, Colorado, under PUC No. 875, he being authorized so to do, and that authority to serve said town should be specifically included under PUC No. 875.

F I N D I N G S

THE COMMISSION FINDS:

That application for clarification of PUC No. 875 filed by G. Barnhill should be amended to include request for authority to serve Buick, Colorado.

That Decision No. 31866, of date December 31, 1948, should be amended as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That application for clarification of PUC No. 875 filed by G. Barnhill should be, and hereby is, amended, to include request for authority to serve Buick, Colorado.

That Decision No. 31866, of date December 31, 1948, should be, and hereby is, amended, nunc pro tunc, as of said 31st day of December, 1948, by inserting the word "Buick" between the words "Agate" and "River Bend," in the fourth line of the second paragraph of the order contained in said decision, so that said paragraph, as amended, shall read as follows:

"1. Transportation of general commodities, on schedule, between Denver, Colorado, on the one hand, and, on the other, the towns or communities of Agate, Buick, River Bend, Matheson, Simla, Ramah, and Calhan, via Highway U. S. No. 40 and U. S. No. 24; also via U. S. Highways Nos. 85 and 24, without service to intermediate points."

That except as herein amended, said Decision No. 31866 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Tolson

John R. Barry

Joseph W. Haddock
Commissioners.

Dated at Denver, Colorado,
this 12th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK KNOLL, JR., DERBY, COLORADO,)
FOR REISSUANCE OF PERMIT NO. B-1971.)

APPLICATION NO. 9296-PP
SUPPLEMENTAL ORDER

March 12, 1949.

Appearances: Frank Knoll, Jr., Derby, Colorado,
pro se;
Jones and Stauffer, Esqs., Denver,
Colorado, for Britt Truck Ser-
vice;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
Company;
Myron H. Burnett, Esq., Denver, Colo-
rado, for Common Carrier Division
of The Colorado Motor Carriers'
Association;
Harold Swana, Golden, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 30626, of date June 14, 1948, Frank Knoll, Jr.,
Derby, Colorado, was authorized to operate as a Class "B" private carrier
by motor vehicle for hire for the transportation of:

coal and building materials from Denver, Colorado,
to points within a radius of fifteen miles of Den-
ver, Colorado, with back-haul of "returned" coal
or building materials, only, for Rio Grande Fuel
Company, only,

said operating rights being designated "Permit No. B-1971."

The Commission is now in receipt of a communication, under date
of February 10, 1949, from said permittee, as follows:

"Please eliminate building materials in authority
of B-1971."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

2

ORDER

THE COMMISSION ORDERS:

That authority of Frank Knoll, Jr., under Permit No. B-1971, be, and the same hereby is, amended, by eliminating therefrom the right to transport building materials, so that said Permit No. B-1971, in the future, shall authorize transportation of:

coal from Denver, Colorado, to points within a radius of fifteen miles of Denver, Colorado, with back-haul of "returned" coal, only, for Rio Grande Fuel Company, only.

This order shall become effective as of the 10th day of February, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John D. Barry
Joseph W. McCool
Commissioners

Dated at Denver, Colorado,
this 12th day of March, 1949.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. C. DAVIS, RIFLE, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 9685

March 12, 1949

Appearances: Cole and Cole, Esqs., Glenwood
Springs, Colorado, for ap-
plicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire for the transportation of livestock and other commodities to and from sales yard near Rifle, Colorado, to points and places within a radius of fifty miles of said sales yard, confining his operations to hauling of such livestock and other personal property as shall be consigned to said sales yard for sale or purchase at sale yard, and requiring transportation to places within said radius designated by the purchasers, and limiting his equipment to the use of one one and one-half-ton truck.

The matter was set for hearing, and heard, February 28, 1949, at Grand Junction, Colorado, and there taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner and operator of a sales yard located near Rifle, Colorado, and also owns one 1947 Chevrolet one and one-half-ton truck, equipped with stock rack. Applicant stated that he conducts two sales a week, and has had numerous calls for pick-up of livestock and other property consigned to his auction ring for sale; also calls to deliver to farms and places within a fifty-mile radius after sale. He stated that it is not his intention to

engage in any common carrier business aside from that required by his customers at the sales yard.

The evidence further disclosed that applicant is well qualified -- financially and by experience -- to carry on his proposed operation.

No protests were entered at the hearing, and it would appear that applicant's proposed service is needed and in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed service of applicant as a common carrier by motor vehicle for hire, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the service of applicant, W. C. Davis, Rifle, Colorado, as a call and demand common carrier by motor vehicle for hire, for the transportation of livestock and other commodities to and from the Rifle Sales Yard, owned by applicant, near Rifle, Colorado, from and to points within a radius of fifty miles of said sales yard, confining his operations to the hauling of such livestock and other personal property as shall be consigned to said sales yard for sale or purchase, requiring transportation to places within said radius, limited to the use of one one and one-half-ton truck, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

John R. Barry

Joseph T. Hecceley
Commissioners

Dated at Denver, Colorado,
this 12th day of March, 1949.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THERON B. HOOKER, 380 NORTH SIXTH)
STREET, BRIGHTON, COLORADO, FOR THE)
REISSUANCE OF PERMIT NO. B-2762.)

APPLICATION NO. 9691-PP-Reissue
SUPPLEMENTAL ORDER

March 12, 1949

Appearances: Theron B. Hooker, Brighton,
Colorado, pro se;
E. B. Evans, Esq., Denver,
Colorado, for Airline
Express, Inc. and Rein
Milk Transport;
Clyde Hodgson, Boulder,
Colorado, for Hodgson
Transportation Company;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company.

S T A T E M E N T

By the Commission:

By Decision No. 32185, of date February 17, 1949, the Commis-
sion authorized Theron B. Hooker to operate as a Class "B" private
carrier by motor vehicle for hire.

The Commission is now in receipt of a communication from said
Theron B. Hooker, as follows:

"Since the order in Dec. 32185 does not supply
service as asked for in the Application 9691-PP
I hereby ask for rehearing in this matter."

The Commission has carefully reviewed the evidence adduced at
the hearing, and is of the opinion that no useful purpose would be served
by granting rehearing on said application, inasmuch as the authority
granted was in accordance with the demand therefor established at said
hearing.

FINDINGS

THE COMMISSION FINDS:

That request for rehearing should be denied.

ORDER

THE COMMISSION ORDERS:

That applicant's request for rehearing on the above-styled application be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John R. Barry
Philip C. Hawley
Commissioners

Dated at Denver, Colorado,
this 12th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. LELIA BUNYARD, 2828 WEST)
SHORT PLAGE, DENVER 5, COLORADO.)
-----)

CASE NO. 46016-INS.
(Permit No. B-1076)

March 12, 1949

S T A T E M E N T

By the Commission:

On March 6, 1949, in Case No. 46016-Ins., the Commission entered an order revoking Permit No. B-1076, for failure to keep on file effective insurance.

A check of the records shows that proper insurance and rate tariff have been filed and revocation should be set aside and the permit reinstated.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 46016-Ins., should be cancelled and set aside and said Permit No. B-1076 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 46016-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. B-1076 restored to its former status as of March 6, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John R. Berry
John W. Hester
Commissioners.

Dated at Denver, Colorado,
this 12th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 9816-PP

March 14, 1949

Appearances: Worth F. Shrimpton, Esq., Craig,
Colorado, for applicant;
T. A. White, Esq., Denver, Colo-
rado, for Larson Transporta-
tion Company;
Walter Utzinger, Craig, Colorado,
for J. J. Stanton Transpor-
tation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Coal from Colowyo coal mine at Axial, Colorado, to the tipple of the Colowyo Coal Company at Craig, Colorado, over Colorado Highway No. 13, and from other mines of said company within a radius of thirty-five miles of Craig, Colorado, over Colorado Highway No. 13 and U. S. Highway No. 40; sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points; excluding service in Boulder, Clear Creek, and Gilpin Counties.

The application was set for hearing at the Court House in Craig, Colorado, for March 4, 1949, after due notice to all parties in interest, and there heard and taken under advisement.

Applicant testified that he owned an International K-11 dump truck, and had been hauling coal for the Colowyo Coal Company under temporary authority, at the request of said company, and had also been requested

by the company to file the instant application. The radius requested is for the purpose of serving the same company at some of its other mines. At the present time, he has no other customers, or demand for service elsewhere. As to the sand, gravel, and other surfacing materials, he stated that he was willing that the permit be limited to sand and gravel, only. He gave his net worth as \$25,000.00.

H. C. Marchant, assistant to the President of the Colowyo Coal Company, testified that said company operated several mines within the radius requested, and needs the service of applicant in transporting coal from these mines to the tipple of said company at Craig. The average production at the Axial mine is 82,000 tons per year, most of which is transported to and shipped from Craig. The company is expanding its facilities and wishes to arrange for transportation for the increased production expected.

F I N D I N G S

THE COMMISSION FINDS:

That the authority requested, as hereinafter limited, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Joe Edwards, Craig, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

Coal from the Colowyo coal mine at Axial, Colorado, to the tipple of the Colowyo Coal Company at Craig, Colorado, over Colorado Highway No. 13, and coal from points within a radius of 35 miles of Craig, Colorado, over Colorado Highway No. 13 and U. S. Highway No. 40, to said tipple; sand and gravel from pits and supply points in the State of Colorado to road and building construction jobs within a radius of 50 miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

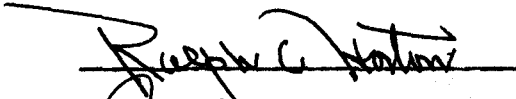
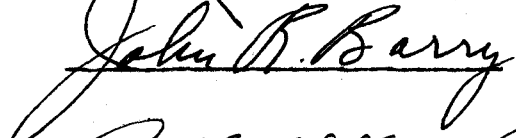

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 14th day of March, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O. J. ENCE, CRAIG, COLORADO, FOR AN)
"A" PERMIT FOR THE TRANSPORTATION)
OF COAL FROM COLOWYO COAL MINE AT)
AXIAL, COLORADO, TO COLOWYO COAL)
MINE TIPPLE IN CRAIG, COLORADO,)
OVER COLORADO HIGHWAY NO. 13.)

APPLICATION NO. 9817-PP

March 14, 1949

Appearances: O. J. Ence, Craig, Colorado,
pro se;
T. A. White, Esq., Denver,
Colorado, for Larson
Transportation Company;
Walter Utzinger, Craig, Colo-
rado, for J. J. Stanton
Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from Colowyo coal mine at Axial, Colorado, to Colowyo mine tipple at Craig, Colorado, over Colorado State Highway No. 13.

The application was set for hearing at the Court House in Craig, Colorado, for March 4, 1949, after due notice to all parties in interest, and there heard and taken under advisement.

Applicant testified that he owned a 1947 Diamond T truck, 2½-ton capacity, and has a net worth of between \$12,000.00 and \$15,000.00. He had been requested to obtain authority to haul coal, only, from the mine of the Colowyo Coal Company at Axial, Colorado, approximately twenty-eight miles south of Craig, to the tipple of said company at Craig, and had no intention of purchasing other equipment or transporting coal for any other company.

H. C. Marchant, assistant to the President of said Colowyo Coal Company, testified that he had requested applicant to obtain the permit re-

quested, and stated that the annual production of coal at Axial averaged 82,000 tons per annum, and increased production of coal was expected, and that he desired to build up transportation facilities so that this coal could be properly and promptly transported to the tipple of said company at Craig.

No evidence was given on behalf of protestants.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That O. J. Ence, Craig, Colorado, be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

Coal from the Colowyo coal mine at Axial, Colorado,
to the tipple of the Colowyo Coal Company at Craig,
Colorado, over Colorado State Highway No. 13.

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

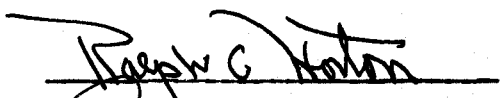
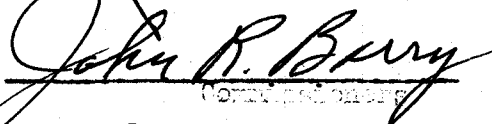
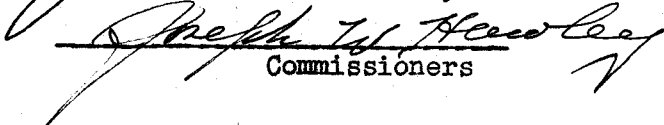
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

That this order ~~shall~~ become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 14th day of March, 1949.




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES O. CLAYCOMB, JR., GENERAL)
DELIVERY, LA SALLE, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 9234-PP-Amended
SUPPLEMENTAL ORDER

March 15, 1949

Appearances: Joseph E. Newman, Esq.,
Denver, Colorado, for
applicant;
Harold D. Torgan, Esq.,
Denver, Colorado, for
Duffy Storage and Moving
Company.

S T A T E M E N T

By the Commission:

On December 14, 1948, the Commission issued its Decision No. 31654, wherein it authorized James O. Claycomb, LaSalle, Colorado, to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

"buildings in that portion of Weld County lying north of Platteville, being north of Highway No. 6 in Weld County, and Highway No. 66, projected east to Wiggins, Colorado, and box cars from the Denver area to the above-described part of Weld County, Colorado."

It now appears that the question has arisen as to applicant's right to haul buildings from Denver area to the above-described portion of Weld County.

The Commission, in its Order, failed to clarify this portion of the authority, as it was its intention to grant authority to haul buildings from Denver area to the Weld County area, as stipulated in the agreement made at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 31654, of date December 14, 1948, should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 31654, of date December 14, 1948, should be, and hereby is, amended and clarified, nunc pro tunc, as of said 14th day of December, 1948, by permitting applicant to haul buildings from Denver to that portion of Weld County lying north of Platteville, Colorado, being north of Highway No. 6 in Weld County, and Highway No. 66 projected east to Wiggins, Colorado.

That, in all other respects, Decision No. 31654 should remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton
John R. Barry
Joseph C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
DEAN BAKER, KEENESBURG, COLORADO,
FOR A CLASS "B" PERMIT TO OPERATE
AS A PRIVATE CARRIER BY MOTOR VE-
HICLE FOR HIRE.

APPLICATION NO. 9796-PP.
SUPPLEMENTAL ORDER

March 15, 1949

Appearances: Dean Baker, Keenesburg,
Colorado, pro se;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
E. B. Evans, Esq., Denver, Colo-
rado, for Rein Milk Transport.

S T A T E M E N T

By the Commission:

By Decision No. 32231, of date February 28, 1949, the Commission,
in the above-styled application, granted a Class "B" permit to applicant herein.

On March 5, 1949, Weicker Transfer and Storage Company, by its
attorney, T. A. Stockton, Jr., Esq., filed Petition for Rehearing.

The Commission has carefully examined said Petition for Rehearing,
and has considered each and every allegation of error therein contained, and is
of the opinion that no error was committed in said Decision No. 32231.

F I N D I N G S

THE COMMISSION FINDS:

That no error was committed in Decision No. 32231, and that
Petition for Rehearing filed herein should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing, filed by Weicker Transfer and
Storage Company on March 5, 1949, be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas C. Hutton
John R. Barry
James C. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 15th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 9832-PP.

March 18, 1949

Appearances: Fred Archuleta, Center,
Colorado, pro se;
Conour and Conour, Esqs.,
Del Norte, Colorado, for
J. P. Wiederkehr & Son,
James P. Ashton;
M. M. Marshall, Esq., Alamosa,
Colorado, for C. H. Phillips,
McCormick Brothers;
R. E. Turano, Denver, Colorado,
and
T. A. White, Esq., Denver, Colo-
rado, for Rio Grande Motor
Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled application was set for hearing, and heard,
at Alamosa, Colorado, March 11, 1949, and there taken under advisement.

As limited by the testimony offered at the hearing, applicant
herein seeks authority to operate as a Class "B" private carrier by motor
vehicle for hire for the transportation of fertilizer and farm produce,
except livestock, between points within the area extending five miles west,
eight miles north, eight miles east, and eight miles south of Center, Colorado.

The operating experience and pecuniary responsibility of appli-
cant were established to the satisfaction of the Commission.

All opposition to the granting of the authority sought, as
limited, was withdrawn.

The evidence further disclosed that applicant is the owner of
a 1948 Chevrolet one and one-half-ton truck, and has several farmers in the
area surrounding Center who desire his service.

FINDINGS

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought, as limited, should be granted, said authority to bear the number "B-3415," being the number of a permit formerly held by applicant.

ORDER

THE COMMISSION ORDERS:

That Fred Archuleta, Genter, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of fertilizer and farm produce, excluding livestock, between points within the area extending five miles west, and eight miles north, east, and south of Genter, Colorado.

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

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

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

That said operating rights shall bear the number "B-3415."

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hobbs
John R. Barry
Joseph C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VICTOR F. GARCIA, BOX 14, ANTONITO,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 9834-PP.

March 18, 1949

Appearances: Victor F. Garcia, Antonito,
Colorado, pro se;
Conour and Conour, Esqs.,
Del Norte, Colorado, for
Vance Transfer;
T. A. White, Esq., Denver,
Colorado, and
R. E. Turano, Denver, Colo-
rado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

On January 19, 1949, applicant herein filed application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of ashes, coal, spuds, sand, and gravel, within a five-mile radius of Antonito, Colorado.

The matter was set for hearing, and heard, at the Court House, Alamosa, Colorado, March 11, 1949, and there taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 1941 Chevrolet one and one-half-ton dump truck, and has a net worth in excess of \$1,000.00, and desires to serve the coal yard at Antonito, hauling coal, and has other customers who have requested his service to haul trash from the Town of Antonito, Colorado, to the dump outside of the town. Also, some of his customers desire his service hauling sand and gravel, and potatoes, within a five-mile radius of the Town of Antonito.

It further appeared that applicant is well qualified by experience to carry on his proposed operation.

No evidence was presented on behalf of protestants.

FINDINGS

Upon the record as made, and after careful consideration thereof, the Commission is of the opinion, and finds, that it did not appear from the evidence that the granting of said permit will impair the efficiency of existing adequate common carrier motor vehicle services now operating in the area sought to be served by applicant, and that said permit should be granted.

ORDER

THE COMMISSION ORDERS:

That Victor F. Garcia, Antonito, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ashes, coal, potatoes, sand, and gravel, from point to point within a radius of five miles of Antonito, Colorado.

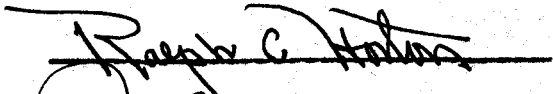


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD DE HERRERA, GENTER, COLORADO,)
FOR A CLASS "M" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 9836-PP.

March 18, 1949

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at the Court House, Alamosa, Colorado, March 11, 1949, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph C. Heavner
Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILTON F. NICHOLSON AND ROBERT G.)
MENGER, CO-PARTNERS, DOING BUSINESS)
AS "PREMIER SIGHTSEEING COMPANY,")
328 SEVENTEENTH STREET, DENVER,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 191 TO GILBERT H. HARKNESS,)
DOING BUSINESS AS "PREMIER SIGHT-)
SEEING COMPANY," 1874 SOUTH SHERMAN)
STREET, DENVER, COLORADO.)
-----)

APPLICATION NO. 9828-Transfer.

March 18, 1949

Appearances: Henry S. Sherman, Esq.,
Denver, Colorado, for
applicants;
J. G. Hodges, Esq., Denver,
Colorado, for Rocky
Mountain Motor Company.

S T A T E M E N T

By the Commission:

By Decision No. 1295, in Application No. 583, dated June 6,
1927, as amended by Decision of the same number of date June 28, 1927, Joseph
Freilinger, doing business as "Premier Sightseeing Company," was authorized
to operate as a motor vehicle common carrier for the transportation of:

passengers in sightseeing round-trip one-day
operations, only, to Pikes Peak, by way of
State Highway No. 1 (now No. 85), and from
Denver, via Denver Mountain Parks System, to
Silver Plume, Echo Lake, and Mount Evans,
making use of State Highways Nos. 2, 8, 68,
73, 74, 91, and 103, without the right to
serve intermediate points, he, in performing
said service, to be limited to the use of
two cars, only.

Pursuant to authority contained in Decision No. 3374, in Appli-
cation No. 568-AA, of date May 6, 1931, he acquired from Ranker and Semler
the right to operate one car:

in round-trip one-day sightseeing service over
the following routes: (1) Denver to Pikes Peak;
(2) Denver to Silver Plume; (3) Denver to Mountain
Parks; (4) Denver to Echo Lake; (5) Denver to
Mount Evans; (6) Denver to Estes Park; without
the right to serve intermediate points.

By Decision No. 10174, of date June 12, 1937, as amended by Decision No. 10255, his authority under his certificate of public convenience and necessity (PUC No. 191) was extended to include the right to operate:

three cars in one-day round-trip sightseeing operations: from Denver, as follows: (1) "Gold Patch Trip," reaching Nederland, Central City, and Idaho Springs; (2) "Jarre Canyon Trip;" (3) Denver to Mount Evans, Leadville, and Fairplay, through Denver Mountain Parks; (4) "Peak to Peak Trip;" (5) "Mesa Verde Trip;" (6) "Denver to Colorado Springs Trip," via Sedalia, Cascade, Pikes Peak, and return through Colorado Springs and Region to Denver,

rates therefor and restrictions as to number of passengers being set forth in said Application No. 385-BB and Decision No. 10174.

Pursuant to authority granted by Decision No. 27011, of date June 3, 1946, Joseph Freilinger, doing business as "Premier Sightseeing Company," transferred said PUC No. 191 to Michael B. Freilinger and William Van Arsdalen, co-partners, doing business as "Premier Sightseeing Company," who, pursuant to authority contained in Decision No. 28098, of date April 19, 1947, transferred said operating rights to Milton F. Nicholson and Robert G. Menger, co-partners, doing business as "Premier Sightseeing Company," Denver, Colorado.

By the instant application, said Milton F. Nicholson and Robert G. Menger, doing business as "Premier Sightseeing Company," seek authority to transfer PUC No. 191 to Gilbert H. Harkness, doing business as "Premier Sightseeing Company," Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, March 15, 1949, and there taken under advisement.

At the hearing, it appeared that the consideration for transfer of said operating rights is the sum of Six Thousand Dollars (\$6,000.00), payable as set forth in Paragraph 9 of application filed herein, which, by reference, is made a part hereof.

It further appears that said certificate is in good standing; that road tax has been paid; that passenger-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said operation; that transferee, pecuniarily and otherwise, is able and willing to carry on the operation, his net worth being \$5,000.00.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Milton F. Nicholson and Robert G. Menger, co-partners, doing business as "Premier Sightseeing Company," Denver, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 191 -- being the operating rights acquired by them pursuant to Decision No. 28098 -- to Gilbert H. Harkness, doing business as "Premier Sightseeing Company," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

Said transferee shall be permitted to secure payment of balance of purchase price by chattel mortgage on said certificate.

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

The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate up to the time of the transfer of said certificate, and the payment by them or transferee of all unpaid passenger-mile tax.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Horton

John R. Berry

Robert C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT ARCHULETA, BOX 171,)
MANASSA, COLORADO.)

CASE NO. 46077-INS.
(Permit No. C-18617)

March 19, 1949

S T A T E M E N T

By the Commission:

On March 6, 1949, in Case No. 46077-Ins., the Commission entered an order revoking Permit No. C-18617 for failure to keep on file effective insurance.

Insurance was filed by permit holder in due time to cover the "C" permit, but was not accepted for the reason it did not also cover his application for a private carrier permit, and was returned for correction. In the meantime, his "C" permit was revoked.

Inasmuch as permit holder does not wish to change to a private carrier, the insurance is accepted to cover "C" operations, only, as was originally filed, without lapse, and is in order. Order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 46077-Ins., should be cancelled and set aside and said Permit No. C-18617 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 46077-Ins., should be, and it hereby is,

cancelled and set aside, and said Permit No. C-18617 restored to its former status as of March 6, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

John R. Barry

Joseph W. Hecox
Commissioners

DATED at Denver, Colorado,
this 19th day of March, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RAYMOND R. HAMILTON AND EDWARD L.
HAMILTON, CO-PARTNERS, DOING BUSI-
NESS AS "HAMILTON BROTHERS HAULING
SERVICE," 440 LIPAN STREET, DENVER,
COLORADO, FOR AN EXTENSION OF
PERMIT NO. B-3797.

APPLICATION NO. 9839-PP
EXTENSION

March 19, 1949

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at Denver, Colorado, March 15, 1949, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

F I N D I N N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution.

O R D E R

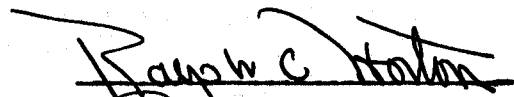
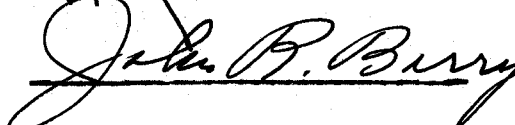
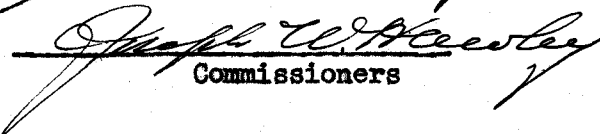
THE COMMISSION ORDERS:

That the above application be, and the same hereby is, dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 19th day of March, 1949.




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARDNER R. PRATT, S.S.R. BOX 109-A,)
PUEBLO, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. A-1865 TO JAMES)
R. PRATT AND PERCY A. PRATT, CO-)
PARTNERS, DOING BUSINESS AS "PRATT)
BROS. HEREFORD RANCH," S.S.R. BOX)
109-A, PUEBLO, COLORADO.)

APPLICATION NO. 9868-PP
TRANSFER

March 19, 1949

S T A T E M E N T

By the Commission:

By Decision No. 8417, of date September 21, 1936, Gardner R. Pratt, Pueblo, Colorado, was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

Hay, grain, and hogs from farms in the Avondale, Vineland and Broadacre districts to Pueblo, and hay and grain to Pueblo from the farming area adjacent to Westcliff, Colorado,

said operating rights being designated "Permit No. A-1865."

By the instant application, said permit-holder seeks authority to transfer said operating rights to James R. Pratt and Percy A. Pratt, co-partners, doing business as "Pratt Bros. Hereford Ranch," Pueblo, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that road tax has been paid; that ton mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said permit; that transferees, pecuniarily and otherwise, are able, qualified, and willing to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for further hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said permit, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Gardner R. Pratt, Pueblo, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-1865 -- being the operating rights granted by Decision No. 8417 -- to James R. Pratt and Percy A. Pratt, co-partners, doing business as "Pratt Bros. Hereford Ranch," Pueblo, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

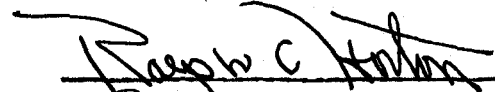
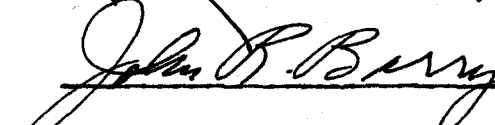

That the right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him, or by transferees, of all unpaid ton-mile tax.

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

That this order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 19th day of March, 1949.




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MIKE FABRIZIO AND JULIA FABRIZIO,)
ROUTE 3, BOX 35C, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS PRIVATE CARRIERS BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 9837-PP.

March 19, 1949

Appearances: Mike Fabrizio, Denver,
Colorado, pro se;
Marion F. Jones, Esq.,
Denver, Colorado, for
Paul Zimmerman, Sorenson
Truck Line, Law Motor Line,
Bethke Truck Line;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Yockey
Truck Line;
Myron H. Burnett, Esq., Denver,
Colorado, for Common Carrier
Division of The Colorado Motor
Carriers' Association, Fred Funk,
G. O. Anderson;
John C. Street, Esq., Denver,
Colorado, for Chicago, Burlington
and Quincy Railroad, The Colorado
and Southern Railway Company;
Clyde Hodgson, Boulder, Colorado,
pro se;
Alice Blakley, Denver, Colorado,
for Blakley and Blakley;
Guy Hart, Longmont, Colorado,
for Farm Hauling Service;
E. H. Langford, Byers, Colorado,
for Byers-Denver Truck Line.

S T A T E M E N T

By the Commission:

On December 29, 1948, applicants herein filed application for
a Class "B" permit to operate as private carriers by motor vehicle for hire
for the transportation of livestock between points within a radius of fifty
miles of Denver, Colorado, and from and to points within the State of Colorado.

The matter was set for hearing, and heard, at 330 State Office
Building, Denver, Colorado, March 15, 1949, and there taken under advisement.

At the hearing, the evidence disclosed that applicants buy and sell livestock, and are associated with some other buyers, for whom they would like to haul cattle when convenient to them. It appears they are financially able, that they own one truck and are qualified by experience to haul livestock.

The statutes of the State of Colorado (Section 3, Chapter 120, S. L. 1931, as Amended) provide:

"No application for permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

Applicants produced no shipper witnesses to testify that they needed applicants' proposed service, or that the present common carrier service was inadequate for their needs, while, on the other hand, several witnesses appeared on behalf of the common carriers at the hearing, who definitely testified that common carrier service within a fifty-mile radius of Denver, Colorado, was adequate, and if the instant application was granted, the common carrier service in this fifty-mile radius would be impaired.

Applicants for private carrier authority are required to make definite showing under the statute. Applicants, in the instant application, have failed to meet the requirements of the statute.

F I N D I N G S

Upon the record here made, it appears that the common carrier service in the territory proposed to be served by applicants is adequate, and that the proposed operation of applicants will tend to impair the efficiency of such adequate common carrier service, and the Commission so finds.


O R D E R

THE COMMISSION ORDERS:

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Horton
John P. Barry
Joseph C. Keenley
Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1949.

ea

original

(Decision No. 32333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

At a General Session of
The Public Utilities Com-
mission of the State of
Colorado, held at its
office in Denver, Colorado,
this 28th day of March, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 288

IT APPEARING, That on March 1, 1949, The Leeland Heights Water System, by Cyrus A. Hackstaff, Receiver, filed a proposed rate schedule for water service, to become effective on the 1st day of April, 1949, said proposed rate schedule being an increase in all classes of such service rendered by it, amounting to approximately 160 per cent on the average useage over the presently effective rates; and

IT FURTHER APPEARING, That in compliance with the Commission's General Order No. 33, said water company notified its customers that it had filed with this Commission the proposed rate increase, and that following receipt of this notice a considerable number of such customers made complaint to the Commission, protesting the increase in rates; and

IT FURTHER APPEARING, That unless the effective date of the proposed increase is extended, the rights and interests of the customers and others concerned might be injuriously affected;

IT IS THEREFORE ORDERED, That the effective date of the proposed rate schedule be suspended for one hundred twenty (120) days from April 1, 1949, that is, until July 30, 1949, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed rate increase, the financial status, and the physical condition of the property of The Leeland Heights Water System be made a subject of investigation by this Commission within said period of suspension, or within such further time as the same may be lawfully suspended.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
STANLEY GERALD, 538 GAY STREET,)	
LONGMONT, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 9748-PP.</u>
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

March 19, 1949

S T A T E M E N T

By the Commission:

On December 22, 1948, applicant herein filed application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

Said matter, upon appropriate notice to all parties in interest, was set for hearing at 330 State Office Building, Denver, Colorado, February 2, 1949, at ten o'clock A. M.

Subsequently (Decision No. 32126, of date February 7, 1949), said hearing was vacated, the instant application to be reset for hearing at some convenient future date.

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

F I N D I N G S

THE COMMISSION FINDS:

That said application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Stanley Gerald, Longmont, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

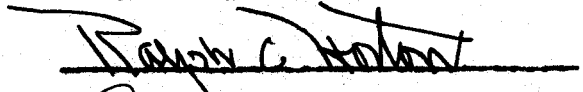
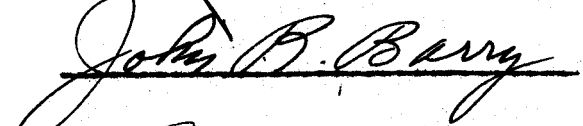
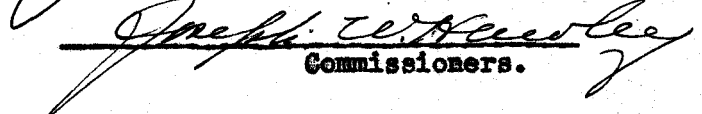
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
JOHN DASHNER, LAMAR, COLORADO, FOR)	
AUTHORITY TO TRANSFER PERMIT NO.)	<u>APPLICATION NO. 9869-PP-Transfer</u>
B-2910 TO FRANCIS ROE, 910 SOUTH)	
SEVENTH STREET, LAMAR, COLORADO.)	
-----)	

March 19, 1949

S T A T E M E N T

By the Commission:

By Decision No. 19423, of date August 13, 1942, John Dashner, Lamar, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

bulk grain, loose and baled hay, and other farm products, including sugar beets, but excluding livestock, from farms to markets, within the area within a radius of fifty miles of Lamar, Colorado,

said operating rights being designated "Permit No. B-2910."

By the instant application, said permittee seeks authority to transfer said Permit No. B-2910 to Francis Roe, Lamar, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able, willing, and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

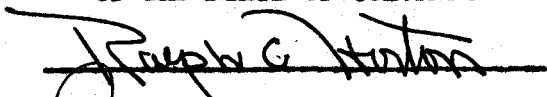
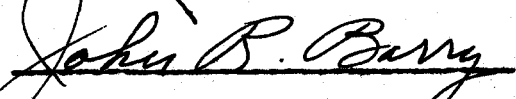

That John Dashner, Lamar, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2910 — being the operating rights granted by Decision No. 19423 — to Francis Roe, Lamar, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

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

This order is made a part of the permit authorized to be transferred and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MANUELITA GONZALES, BOX 336, CENTER,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 9835-PP.
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

March 19, 1949

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado, for
J. P. Wiederkehr & Son;
M. M. Marshall, Esq., Alamosa,
Colorado, for McCormick
Brothers;
T. A. White, Esq., Denver,
Colorado, and
R. E. Turano, Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled application was set for hearing at the Court House, Alamosa, Colorado, March 11, 1949, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John P. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1949

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EVERETT SCHMELZLE, 634 KING STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-1154.)
-----)

APPLICATION NO. 9724-PP-Extension.

March 19, 1949

Appearances: Everett Schmeltzle, Denver,
Colorado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for Britt Truck
Service and Sorenson Truck
Service;
Truman Stockton, Jr., Esq., and
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Harold D. Torgan, Esq., Denver,
Colorado, for Gallagher
Transfer Company;
Harold Swena, Golden, Colorado,
for Swena Transfer Company.

S T A T E M E N T

By the Commission:

By Decision No. 6904, of date December 6, 1935, Everett Schmeltzle,
was granted a Class "B" permit to operate as a private carrier by motor vehicle
for hire for the transportation of:

Brick for the Denver Pressed Brick Company, only,
from Denver to points within a radius of seventy-
five miles thereof and occasionally to Pueblo, and
the transportation of clay from the Denver Pressed
Brick Company pits, about nine miles from Denver,
to the plant of said Company in Denver; and coal
from mines in the Northern Colorado coal fields
to Denver.

Said authority was assigned Permit No. B-1154.

By Decision No. 9115, of date December 21, 1936, applicant was
granted an extension of authority under said permit to include the trans-
portation of clay for the Denver Fire Clay Company, only, from pits of said
company to any point in the State of Colorado.

By Application No. 9724-PP, applicant seeks an extension of
authority under said permit to transport heavy machinery and structural steel
from Denver to points and places in the State of Colorado, and from points in
Colorado to Denver.

The application was set for hearing on January 13, 1949, and after certain evidence had been introduced applicant asked for permission to file an amendment to his application by broadening the scope of his authority to include the right to transport heavy machinery and structural steel from, to, and between points in the State of Colorado, and requested that the setting be vacated, and order to that effect was made by the Commission on February 14, 1949.

An application for amendment was duly filed and the case reset for hearing for Thursday, March 10, 1949, at Denver, Colorado.

When the case was called for hearing, applicant appeared in person, but stated that he had not been able to contact his counsel, James D. Geissinger, Esq., in time to notify him of the hearing, and requested further time within which to prepare for the hearing. An examination of the files disclosed the fact that notice of hearing on the amended application had not been given by the Commission to many of the parties entitled thereto.

F I N D I N G S

THE COMMISSION FINDS:

That the setting should be vacated and the case reset for some future time at the convenience of the Commission, after due notice to all parties in interest.

O R D E R

THE COMMISSION ORDERS:

That the setting herein be, and the same is hereby, vacated, and that hearing be set for some future time at the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph C. Kewley
Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JAMES O. CLAYCOMB, JR., GENERAL)	
DELIVERY, LA SALLE, COLORADO, FOR A)	APPLICATION NO. 9214-PP-Amended
CLASS "B" PERMIT TO OPERATE AS A)	SUPPLEMENTAL ORDER
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

March 19, 1949

Appearances: Joseph E. Newman, Esq.,
Denver, Colorado, for
applicant;
Harold D. Torgan, Esq.,
Denver, Colorado, for
Duffy Storage and Moving
Company.

S T A T E M E N T

By the Commission:

On March 15, 1949, the Commission entered Decision No. 32323, amending Decision No. 31654, James O. Claycomb, Jr., La Salle, Colorado, by said decisions, being authorized to operate as a Class "B" private carrier by motor vehicle for hire.

By said supplemental order (Decision No. 32323), applicant was permitted to:

"haul buildings from Denver to that portion of Weld County lying north of Platteville, Colorado, being north of Highway No. 6 in Weld County, and Highway No. 66 projected east to Wiggins, Colorado."

Inadvertently, the word "area" was omitted following the word "Denver," in the third line of the Order contained in Decision No. 32323, it being the intention of the Commission to authorize service from "Denver area," rather than from "Denver."

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 32323 should be amended to conform to the facts.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 32323, of date March 15, 1949, be, and the same hereby is, amended, nunc pro tunc, as of said 15th day of March, 1949, by striking the first paragraph contained in the Order thereof, and inserting in lieu thereof the following:

"That Decision No. 31654, of date December 14, 1948, should be, and hereby is, amended and clarified, nunc pro tunc, as of said 14th day of December, 1948, by permitting applicant to haul buildings from Denver area to that portion of Weld County lying north of Platteville, Colorado, being north of Highway No. 6 in Weld County, and Highway No. 66 projected east to Wiggins, Colorado."

That, in all other respects, Decision No. 32323 should remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph C. Hawley
Commissioners. ✓

Dated at Denver, Colorado,
this 19th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES W. CARNAHAN, GENERAL DELIVERY,)
AURORA, COLORADO, FOR A CERTIFICATE) APPLICATION NO. 9865.
OF PUBLIC CONVENIENCE AND NECESSITY.)
-----)

March 19, 1949

S T A T E M E N T

By the Commission:

By this application, James W. Carnahan, General Delivery, August, Colorado, asks for a certificate of public convenience and necessity authorizing the transportation of tin cans, ashes, trash, and fertilizer between points within the City of Aurora.

Said application was set for hearing in the Hearing Room of the Commission, after due notice to all parties in interest, on March 17, 1949, at ten o'clock A. M., and there taken under advisement.

When the application was called for hearing, the applicant did not appear, either in person or by counsel, and no one appeared in support of his application.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That application of James W. Carnahan, Aurora, Colorado, be, and the same is hereby, dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John R. Barry
Joseph C. Hecox
Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD J. FAHEY, 1740 OSWEGO STREET,)
AURORA, COLORADO, FOR A CERTIFICATE) APPLICATION NO. 9866.
OF PUBLIC CONVENIENCE AND NECESSITY.)
-----)

March 19, 1949

Appearances: Floyd J. Fahey, Aurora,
Colorado, pro se;
Adam Schlagel, Aurora,
Colorado, pro se;
Harry A. Dalton, Aurora,
Colorado, pro se;
B. L. Jordan, Police Magis-
trate, Aurora, Colorado, and
E. M. Hoepis, Chief of Police,
Aurora, Colorado, for the
City of Aurora, Colorado.

S T A T E M E N T

By the Commission:

By this application, Floyd J. Fahey, 1740 Oswego Street, Aurora, Colorado, seeks a certificate of public convenience and necessity authorizing him to haul tin cans, ashes, trash, and fertilizer from point to point within the City of Aurora, Colorado.

The application was set for hearing in the Hearing Room of the Commission in Denver, Colorado, on the 17th day of March, 1949, at 10:00 o'clock A. M., after due notice to all parties in interest, and there heard and taken under advisement.

Applicant testified that his equipment consisted of a 1938 Ford Pickup, one-ton, and that his net worth is \$6,000.00. He obtained a license from the City Council of the City of Aurora, Colorado, on January 1, 1949, authorizing him to haul ashes and trash within said City, and has since operated under said license until advised that a certificate of public convenience and necessity from this Commission was required. He has seventy regular customers, and, in addition, serves ten business houses. His competitors are Adam Schlagel and Harry A. Dalton, both of whom have such certificates.

Applicant testified that there was a definite need for additional service in Aurora and sufficient business in hauling tin cans, ashes, and trash to keep his competitors and himself busy.

E. M. Hoepis, Chief of Police of the City of Aurora, estimated the population of said City at approximately 12,000, and testified that the population was increasing rapidly and there was ample need for additional service for the hauling of tin cans, ashes, and trash, and stated that some one should be authorized to haul fertilizer to said City. His testimony was corroborated by B. L. Jordan, Police Magistrate.

Applicant then asked that his application be amended to include fertilizer from points within a ten-mile radius of Aurora, Colorado, to points within said City, to which amendment there was no objection.

Harry A. Dalton, owner of PUC-1823, testified that his equipment consisted of a half-ton Ford Pickup, 1937 model. He was busy five or six hours a day, and had received no complaints.

Adam Schlagel, owner of PUC-1820, who had operated in the City since January, 1949, testified that he had a 1941 Chevrolet 1½-ton truck with dump box.

Both of these protestants testified that there was no need for additional service in said City. Schlagel had about 200 regular customers, and served from forty to fifty business places.

F I N D I N G S

The Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicant, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of applicant, for the transportation of tin cans, ashes, and trash from point to point within

the City of Aurora, Colorado; and fertilizer from points within a ten-mile radius of said City of Aurora to points within said City; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Watson
John R. Barry
Joseph W. Keenley
Commissioners

Dated at Denver, Colorado,
this 19th day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE M. & EARL W. ROGERS &)
OTTO W. SHULTZ, DOING BUSINESS)
AS "SUNLIGHT COAL COMPANY,")
ROUTE 1, GLENWOOD SPRINGS,)
COLORADO.)

PERMIT NO. C-20284.

32
33
34
35
36
37

March 21, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Joe M. & Earl W. Rogers & Otto W. Shultz, d/b/a Sunlight Coal Company,
requesting that Permit No. C-20284 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20284, heretofore issued to.....
Joe M. & Earl W. Rogers & Otto W. Shultz, d/b/a Sunlight Coal Company, be,
and the same is hereby, declared cancelled effective February 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 21st day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AUGUST HAAS, 3825 ELIOT STREET,)
DENVER 11, COLORADO, FOR AN EXTEN-) APPLICATION NO. 9838-PP-Extension.
SION OF PERMIT NO. B-2746.)
-----)

March 21, 1949

Appearances: August Haas, Denver,
Colorado, pro se;
Clyde Hodgson, Boulder,
Colorado, for Hodgson
Transfer;
Marion F. Jones, Esq.,
Denver, Colorado, for
Paul Zimmerman;
John C. Street, Denver,
Colorado, for The Colorado
and Southern Railway Company
and Chicago, Burlington &
Quincy Railroad Company.

S T A T E M E N T

By the Commission:

By Decision No. 24119, of date February 2, 1945, August Haas
was granted a Class "B" permit to operate as a private carrier by motor
vehicle for hire for the transportation of:

Sand, gravel, and other materials used in making
up the surface of the roads, from pits and supply
points in the State of Colorado to jobs within a
radius of 75 miles of said pits and supply points,
excluding service in Boulder, Clear Creek, and
Gilpin Counties.

Said authority was assigned Permit Number B-2746.

By the instant application, he seeks authority to extend his
operations under said permit to include the transportation of:

Coal from mines in the Northern Colorado coal
fields to Denver; to Rocky Mountain Arsenal,
located near Denver; to the Valmont Plant of
Public Service Company, located near Boulder,
Colorado; to sugar factories of the Great
Western Sugar Company, located at Johnstown,
Brighton, Longmont, Loveland, Fort Lupton, and
Greeley, Colorado; cement from Burlington,
Colorado, to Bonny Dam Site, located approxi-
mately 30 miles from Burlington, Colorado.

Applicant also asks a reduction of the radius originally granted from 75 miles to 50-miles of point of operation.

Written protest was filed by Chicago, Burlington & Quincy Railroad Company and The Colorado and Southern Railway Company.

The application was set for hearing at the Hearing Room of the Commission in Denver, Colorado, for March 15, 1949, after due notice to all parties in interest, and there heard and taken under advisement.

Applicant testified that his equipment consisted of a 1948 K-7 International dump truck, which is kept busy during the summer months, and he asks for the additional authority -- particularly for the coal haul -- in order to keep his truck busy in the winter months. He has no present customers and no requests for service, either for the transportation of coal or cement, and showed no demand for service in addition to that now available in the territory requested.

The Commission has often held that authority will not be granted merely upon the desire of a private carrier to go into or extend his trucking business. It must be shown that the authority sought will not impair the efficiency of authorized common carriers and that there is a definite need for the proposed service. Such showing was not made by this applicant.

However, in many previous hearings, the need for transportation of coal from the Northern Colorado coal fields to Denver and to the Valmont Plant has been clearly shown, and the motor carrier associations heretofore have indicated that they have no objection to the granting of permits limited to the service that we find should be authorized under the instant application.

In the opinion of the Commission, the permit should be amended as requested by applicant, and the applicant's authority under said permit extended to include the transportation of coal, only, from the Northern Colorado coal fields to Denver, and to the Valmont Plant of the Public Service Company near Boulder, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That Permit No. B-2746, of applicant, August Haas, should be amended as requested, and the applicant's authority under said permit extended to include the transportation of coal, only, from the Northern Colorado coal fields to Denver, Colorado, and to the Valmont Plant of the Public Service Company near Boulder, Colorado, for the reasons assigned in the foregoing Statement, which by reference is made a part hereof.

O R D E R

THE COMMISSION ORDERS:


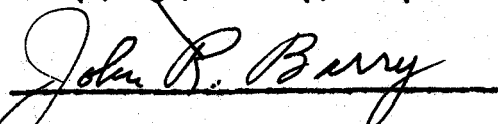
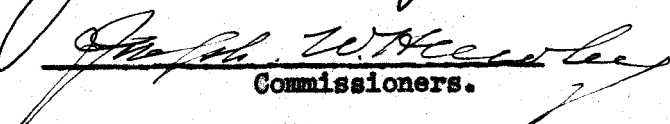
That authority of August Haas, Denver, Colorado, under Permit B-2746 be, and it hereby is, amended by limiting the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties, Colorado, so far as the transportation of said materials is concerned.

That said Permit B-2746 be, and the same is hereby, extended, to include the transportation of coal, only, from the Northern Colorado coal fields to Denver, Colorado, and to the Valmont Plant of the Public Service Company near Boulder, Colorado.

That the instant application, in all other respects, be, and is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. MYRON NIBLACK, 206 FOURTH STREET,)
ARVADA, COLORADO, FOR AN EXTENSION) APPLICATION NO. 9864-PP-Extension.
OF PERMIT NO. B-3967.)
-----)

March 21, 1949

Appearances: C. Myron Niblack,
Arvada, Colorado,
pro se.

S T A T E M E N T

By the Commission:

By Decision No. 31858, of date December 31, 1948, C. Myron Niblack, Arvada, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Ashes and trash in, to, and from the city of Arvada, Colorado, and a radius of one mile thereof; coal from the Northern Colorado coal fields to Arvada and a radius of one mile thereof; and wood from wood yards and forests to Arvada and a radius of one mile thereof.

Said permit was assigned Number B-3967.

By the instant application, he asks for an extension of said Permit B-3967 to include the transportation of ashes and trash between points within the area beginning at Denver City Limits, east to a point one mile east of Fifty-second and Federal; north to a point one mile north of Westminster; thence to a point one mile west of Westminster; thence south to a point directly west of the north city limits of Denver; thence east to the city limits of Denver; coal from the Northern Colorado coal fields to the above described territory; fertilizer from mushroom plant located twelve miles north of Denver, to Arvada and Westminster and points within a one-mile radius of Arvada and Westminster.

Said application was set for hearing in the Hearing Room of the Commission in Denver, Colorado, on March 17, 1949, and after due notice to all parties in interest was there heard and taken under advisement.

Applicant testified that his equipment consisted of a 1936 Dodge truck, 1½-ton, with beet dump body, and a 1935 Ford Truck, 1½-ton with flat box, and his net worth he estimates at \$400.00. No one else is transporting ashes and trash within the territory granted to him in his original permit, or the larger area which he now proposes to serve. He has received many requests for service, particularly in the territory adjoining Federal Boulevard on the west. The only other operator in the territory authorized to haul coal is one Frank Tiller, who has stated to applicant that he has no objection to the allowance of the application.

Lon Gilbert, of Arvada, Colorado, testified that he has been working for applicant for the past two months, and has had many calls for service from the additional territory now applied for. Applicant has received a license from the Town of Westminster to haul ashes within said municipality, but Arvada has no requirement for such licenses. Applicant has a regular route for his ash and trash haul, and also serves customers not on that route whenever requested to do so.

No one appeared to object to the granting of the authority sought.

From the testimony, it appears that applicant is fit, willing, and able, financially and otherwise, to conduct the operation, and that there is a definite need for the service requested.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted, for the reasons set forth in the above Statement, which by reference is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

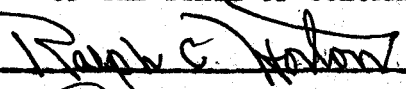
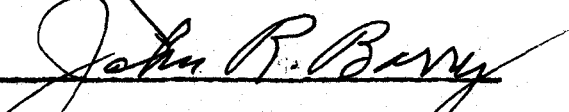
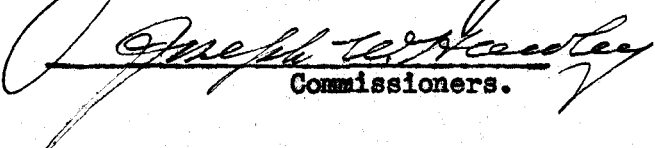
That C. Myron Niblack, Arvada, Colorado, be, and he is hereby, authorized to extend his operations under Permit No. B-3967 to include

the transportation of:

Ashes and trash between points within the area beginning at Denver City Limits; thence east to a point one mile east of Fifty-second Avenue and Federal Boulevard; thence north to a point one mile north of Westminster, thence to a point one mile west of Westminster; thence south to a point directly west of the north city limits of Denver; thence east to the city limits of Denver; coal from the Northern Colorado coal fields to points within the above described territory; fertilizer from Mushroom Plant located twelve miles north of Denver to Arvada and Westminster and points within a one-mile radius of Arvada and Westminster.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

At a General Session of the
Public Utilities Commission
of the State of Colorado, held
at its office in Denver, Colo-
rado, on March 21, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 289.

IT APPEARING, That on February 25, 1949, the Highway Gas Company, by its Manager, J. M. Goodstein, filed a proposed rate schedule to become effective on March 26, 1949, for gas service, said proposed schedule being an increase in all classes of service rendered by it, increase being 38.24 per cent; and

IT FURTHER APPEARING, That the Highway Gas Company notified all of its users in compliance with the Commission's General Order No. 33, that it had filed with the Commission the proposed rate increases and following receipt of this notice a considerable number of users, through their attorneys, made their complaints to the Commission of their objections to such increases reciting that the proposed rates are unjust and unreasonable and that they protest the same; and

IT FURTHER APPEARING, That an investigation should be made by the Commission's staff so that the Commission may be sufficiently informed in the matter; and

IT FURTHER APPEARING, That the effective date of the proposed increases might injuriously affect the rights and interests of the users or others who might be concerned,

F I N D I N G S

THE COMMISSION FINDS:

That the effective date of the proposed rate schedule be suspended for a period of one hundred and twenty (120) days from March 26, 1949.

ORDER

THE COMMISSION ORDERS:

That the effective date of the proposed rate schedule be suspended for a period of one hundred and twenty (120) days from March 26, 1949, that is, until July 23, 1949, unless otherwise ordered.

That the proposed rate increases and the financial status and physical condition of the property of the Highway Gas Company be made a subject of investigation by the Commission within said period of suspension, or such further time as the same may be lawfully suspended.

That a copy of this order be filed with the proposed rate schedule and complaints filed therewith, and a copy hereof be forthwith served on J. M. Goodstein, Manager of the Highway Gas Company, at 3403 Brighton Boulevard, Denver, Colorado, and on Chilson and McCreary, First National Bank Building, Loveland, Colorado, attorneys for the complainants.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray W. C. Hinton
John R. Barry
Joseph C. Havelock
Commissioners.

Dated at Denver, Colorado,
this 21st day of March, 1949.

ea