

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EVANS POTATO & COAL CO.)
635 SANTA FE)
DENVER 4, COLORADO) PERMIT NO. C-3686
)
)
)

October 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Evans Potato & Coal Co.

requesting that Permit No. C-3686 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-3686, heretofore issued to
Evans Potato & Coal Co. be,

and the same is hereby, declared cancelled effective October 11, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of October, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BILL CLEMENTS DBA)
RANCH TRAVELER)
13 NORTH CASCADE) PERMIT NO. C-25048
COLORADO SPRINGS, COLORADO)
-----)

October 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Bill Clements

requesting that Permit No. C-25048 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-25048, heretofore issued to-----
Bill Clements be,
and the same is hereby, declared cancelled effective October 13, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BERT DeFILLIPPIE)
613 WEST 3rd ST.)
FLORENCE, COLORADO) PERMIT NO. B-3343
)
)
-----)

October 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Bert DeFillippie

requesting that Permit No. B-3343 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-3343, heretofore issued to
Bert DeFillippie be,

and the same is hereby, declared cancelled effective October 9, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY E. CULLER)
830 LIPAN)
DENVER 4, COLORADO) PERMIT NO. B-3492
)
)
-----)

October 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Roy E. Culler

requesting that Permit No. B-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. B-3492....., heretofore issued to.....
Roy E. Culler
-----be,
and the same is hereby, declared cancelled effective October 9, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BERNABE TRUJILLO)
DEL NORTE, COLORADO)
) PERMIT NO. C-23295
)
)
)

October 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Bernabe Trujillo

requesting that Permit No. C-23295 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-23295, heretofore issued to
Bernabe Trujillo be,

and the same is hereby, declared cancelled effective October 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
C. L. MOSELEY AND W. S. EOFF,)	
DOING BUSINESS AS "NAVAJO BUTANE)	CASE NO. 53624-INS.
COMPANY," CORTEZ, COLORADO.)	(Permit No. C-24591)
-----)	

October 18, 1950

S T A T E M E N T

By the Commission:

On October 10, 1950, in Case No. 53624-Ins., the Commission entered an order revoking Permit No. C-24591, for failure to keep on file effective insurance. However, proper insurance filing was made as of October 14, within the five-day period of grace allowed in the order and revocation should be set aside.

F I N D I N G S

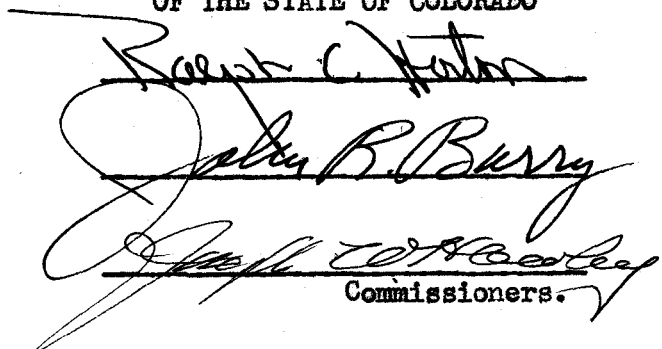
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53624-Ins., should be cancelled and set aside, and said Permit No. C-24591 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53624-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-24591 restored to its former status as of October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1950.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF
AIRPORT TRANSIT COMPANY, 1731 TREMONT
PLACE, DENVER, COLORADO, FOR CERTIF-
ICATE OF PUBLIC CONVENIENCE AND
NECESSITY.

} APPLICATION NO. 10050
} SUPPLEMENTAL ORDER

October 18, 1950

Appearances: Donald B. Robertson, Esq.,
Denver, Colorado, for
applicant;
J. G. Hodges, Esq., Denver,
Colorado, for Rocky Mountain
Motor Company;
E. B. Evans, Esq., Denver,
Colorado, for Bill's City
Taxi Company;
Worth Allen, Esq., Denver,
Colorado, for Arthur's Taxi
and Sightseeing Company;
Robert S. Mitchell, Esq., Denver,
Colorado, for Publix Cab
Company;
John F. Mueller, Esq., Denver,
Colorado, for Denver Taxicab
Association;
Paul M. Hupp, Esq., Denver,
Colorado, of The Public Util-
ities Commission of the State
of Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 35325, of date September 16, 1950, the
above-styled application of Airport Transit Company, Denver, Colorado,
for a certificate of public convenience and necessity, was denied.

On October 6, 1950, Donald B. Robertson, Esq., in behalf
of applicant, filed Petition for Rehearing.

The Commission has reviewed the evidence adduced at the
hearing on said application, and has carefully considered Petition for Re-
hearing filed herein, and each and every allegation thereof, and is of the
opinion that said Petition should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That no error was committed in the entry of its said Decision No. 35325; that no useful purpose would be served by granting rehearing herein, and that said Petition for Rehearing should be denied.


O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter, filed by Donald B. Robertson, Esq., in behalf of applicant herein, should be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Hutton

John K. Barry

Joseph C. Cawley
Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1950.

ea

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
EDWARD D. MARTIN AND MAXINE V. MAR-)
TIN, CO-PARTNERS, DOING BUSINESS AS)
"MARTIN TRUCK LINES," 400 SOUTH)
PEARL STREET, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
PUC NO. 528.)
-----)

APPLICATION NO. 10655

October 18, 1950

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicants;
Robert Moutchens, Esq., Greeley,
Colorado, for A. W. Karr and
Company, W. H. Short, E. D.
Mapes, Bethke Milk Lines;
W. C. Moore, Denver, Colorado,
for Denver Milk Producers.

S T A T E M E N T

By the Commission:

On May 1, 1950, Edward D. Martin and Maxine V. Martin, co-
partners, doing business as "Martin Milk Lines," Denver, Colorado, filed
their application for an extension of Certificate of Public Convenience
and Necessity No. 528 to authorize the transportation of milk and cream to
Denver, Colorado, and to Garden Farm Dairy and Stearns Dairy Company, in
the vicinity of Denver, from the following-described territory:

"Commencing at the intersection of U. S. Highways 87
and 34; thence North along U. S. Highway 87 to the
intersection of U. S. Highway 87 and Colorado State
Highway 14; thence east along State Highway 14 to a
point 5 miles east of U. S. Highway 85; thence in a
southerly direction on a line parallel to U. S. High-
way 85 and 5 miles easterly therefrom to the inter-
section of said line with the South Platte River;
thence in a southeasterly direction along said South
Platte River to the intersection thereof with the
range line between Ranges 63 and 74 West; thence
south along said range line to the section line be-
tween sections 13 and 24, Township 3 South, Range
64 West; thence west along said section line to the
east line of applicants' present authority; thence
north along said east line to the north line of
applicants' present authority; thence westerly along
said north line of applicants' present authority to
the place of beginning, with return of empty con-
tainers."

The matter was first regularly set for hearing at the Court House, Greeley, Colorado, June 18, 1950. This setting was continued to July 7, 1950, at the Court House, Greeley, Colorado, where the matter was heard and taken under advisement.

Formal written protest was filed by A. W. Karr and Company, W. H. Short, and E. D. Mapes, wherein they allege that the territory sought to be served by applicants is presently receiving adequate service not only by these protestants, but by other duly authorized carriers.

At the hearing held July 7, 1950, Kenneth M. Martin testified he was Manager of the present operation of Martin Truck Lines. He first identified Exhibit No. 1, being a map setting forth the authorities now granted in the territory, and the extension sought by applicants. He further testified as to calls for service to Denver, and, based upon said calls, he contended that additional service is needed to Denver and to creameries located in the Denver area. He further stated that Martin Truck Lines has ample equipment and provides insulated trucks for service to Denver.

Albert Hilman, Jr., a dairy farmer living one mile south of Kersey, stated he had forty-four head of milch cattle, and shipped ten cans of milk per day; that he is presently shipping to LaSalle, but now desires to ship to Denver, giving as his reason that it would make available to him more out-lets for his milk, thereby making more favorable marketing conditions.

Ben Whippit, a milk producer residing in the area applicants desire to serve, stated he has thirteen cows, and ships four cans of milk per day. The witness contended that shippers should have choice as to markets and as to carriers, and he feels that the adding of an additional carrier to Denver from his territory would improve his marketing conditions.

James F. McKnight, a dairy farmer, stated he had fifty cows and ships nine cans of milk per day. He desires to ship his products to the Carlson Frink Company. He stated he would use the service of applicants if the application is granted.

Elmer D. Elliott, who has thirty-eight cows and ships eight cans of milk daily, stated he is shipping presently by Winemaster to Windsor, but

desires Martins' proposed service to ship to the dairy in Denver.

Ruben Shott, Verne Lewis, and William McCoy, all stated that they were dairymen residing in the territory applicants desire to serve, and that if said authority is granted they would like to have, and would use, applicants' service to Denver.

Hugh F. Denio, Manager of A. W. Karr and Company, who holds PUC No. 556, with authority to pick up milk and cream from part of the area sought to be served by applicants, vigorously protested any extension covering any portion of his authorized territory, contending that any inroads on his territory would tend to impair service to other patrons in his area; that he has served the territory for twenty-five years, and has an investment in excess of ten thousand dollars in motor equipment, and has authority to serve from his territory to Denver.

E. D. Mapes, holder of PUC No. 1425, also testified that applicants are asking for certificate of public convenience and necessity covering a large portion of his certificated area; that he also has authority to come to Denver, and presently has an investment of approximately ten thousand dollars in equipment; that he feels that there is no need for additional authorized service from his area, and protested the granting of any authority that would take business from his present operations.

W. H. Short, holder of PUC No. 555, who resides at Evans, Colorado, and who has the right to serve Denver from his territory, also protested the granting of the application. He stated he has an investment of twenty-four thousand five hundred dollars in equipment, and has had no requests for additional service to Denver. He also is authorized to serve to LaSalle.

Frederic Bethke, of Gilcrest, Colorado, holder of PUC No. 557, also vigorously protested the application, contending that there is at present sufficient authorized service to take care of the transportation needs for milk and cream, and that the granting of additional authority would tend rather to impair than to improve the service.

Other witnesses testified as to the adequacy of the present authorized service, including W. C. Moore, representing the Denver Milk Producers.

The need, if any there be, for additional service to Denver from Northern Colorado for transportation of milk is, in the judgment of the Commission, brought about by the highly competitive situation among the Denver milk buyers. It is apparently the practice, as we view the record, for representatives of milk buyers to enter a competitor's territory and over-bid their competitors—either by increased price or by giving premiums or some added inducement—and insisting that some carrier of their choice be given the milk haul. This creates a very difficult situation, and tends to place additional carriers in an area where the service is not definitely needed, resulting in additional costs, thereby raising the transportation cost from the dairy farm to market.

The Commission is desirous of giving to the dairy farmer every advantage possible, so long as it does not interfere with the common good. We are charged, as we understand the law, with giving to the public the best transportation service economically feasible. In the instant application, it does not appear to us that we lack authorized carriers in this area. Rather, the problem is, "Shall we give to the dairy farmer of this area a further choice of carrier service?"

We have carefully gone over the evidence, and after due consideration thereof, it appears to us that the granting of the instant application is not in the public interest, for the reason that we would be authorizing a duplication of service not warranted by the record.

F I N D I N G S

THE COMMISSION FINDS:

That the presently-authorized service is adequate in the territory sought to be served by applicants, or can be made adequate under the direction of the Commission, and that the instant application should be denied, for the reasons heretofore set forth in the Statement preceding, which by reference is made a part of these Findings.

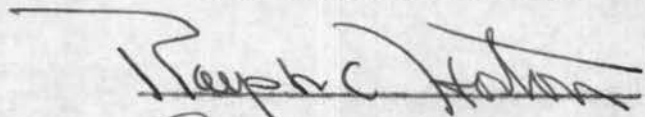
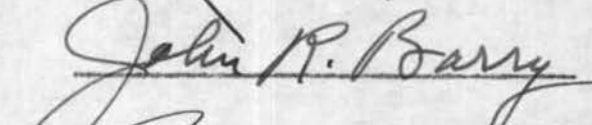
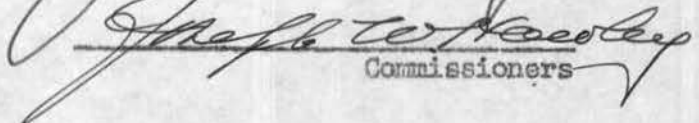
O R D E R

THE COMMISSION ORDERS:

That the instant application 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




Commissioners

Dated at Denver, Colorado,
this 18th day of October, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
T. WILLRICH, 450 DELAWARE STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 10804-PP

October 19, 1950

Appearances: T. Willrich, Denver, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

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

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building Denver, Colorado, October 17, 1950, at ten o'clock A. M., and was there taken under advisement.

At the hearing, applicant, testifying in his own behalf, stated that he is the owner of a 1950 GMC Truck, with which he proposes to conduct his operations.

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

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

It did not appear that the proposed service will impair the efficiency of any common carrier service operating in the territory which applicant proposes to serve.

F I N D I N G S

THE COMMISSION FINDS:

That applicant is fit, willing, and able to perform the service

sought to be performed, and to conform to the requirements of the Private Carrier Act and our rules and regulations thereunder; that the proposed operation will not impair the efficiency of any adequate common carrier service with which applicant will compete; that authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

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

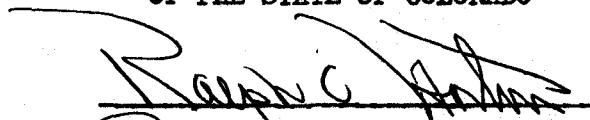
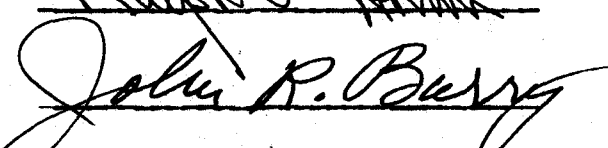
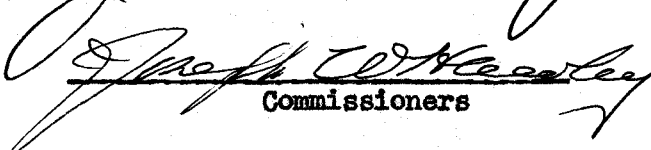
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 19th day of October, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN M. TAGGART, 246 GAY STREET,)
LONGMONT, COLORADO, FOR A CLASS "B") APPLICATION NO. 10806-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

October 19, 1950

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 in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado; to Great Western Sugar Company Factories, located within a radius of fifty miles of Longmont, Colorado; and to Denver, Colorado.

Said application was regularly set for hearing at 330 State Office Building, Denver, Colorado, 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.

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit, and operations by applicant thereunder will tend to impair the efficiency of any common carrier service with which he will compete.

The files were made a part of the record, and the matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That John M. Taggart, Longmont, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado; to Great Western Sugar Company Plants, located within a radius of fifty miles of Longmont, Colorado; and to Denver, Colorado.

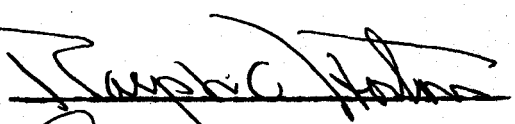
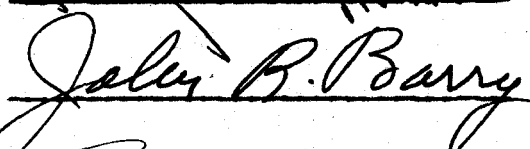
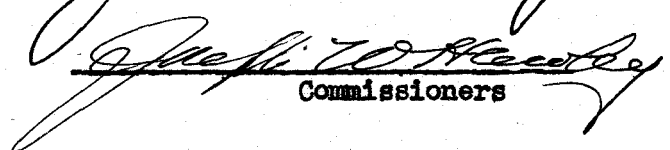
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 19th day of October, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IRVING LINDNER AND ROY E. BARNETT,)
CO-PARTNERS, 1109 MONACO PARKWAY,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 10805-PP.
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

October 19, 1950

Appearances: Irving Lindner, Denver,
Colorado, pro se;
Roy E. Barnett, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of 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; coal from mines in the northern Colorado coal fields to Denver, Colorado; to Valmont Plant of Public Service Company, located near Boulder, Colorado; to Great Western Sugar Company Plants and Kumer-Tompson Company Plants, located within a fifty-mile radius of Denver, Colorado; rock and wood between points within a fifty-mile radius of 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, October 17, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, applicants stated the net worth of their partnership is \$75,000.00; that they are the owners of a 1948 Dodge Dump Truck, which they propose to use in the conduct of their operations; that it was agreeable with them to exclude authority to transport rock to points

other than road building construction jobs in that portion of the fifty-mile radius of Denver, Colorado, which lies in Boulder County.

It did not appear that the proposed service will impair the efficiency of any common carrier service operating in the territory sought to be served by applicants.

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

FINDINGS

THE COMMISSION FINDS:

That authority sought should be granted, as limited by the Order following.

ORDER

THE COMMISSION ORDERS:

That Irving Lindner and Roy E. Barnett, co-partners, Denver, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of 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 Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado, to Valmont Plant of Public Service Company, located near Boulder, Colorado, to Great Western Sugar Company Plants and Kumer-Tempson Company Plants, located within a radius of fifty miles of Denver, Colorado; rock and wood between points within a fifty-mile radius of Denver, Colorado, excluding the right to transport rock and sand and gravel to points other than road building construction jobs in that portion of said fifty-mile radius lying in Boulder County,

That applicants herein shall operate as a co-partnership, and not as individuals.


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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



[Signature]
[Signature]
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BEN H. LAMMERMAN, 1445 KRAMERIA)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 10808-PP.
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

October 19, 1950

Appearances: Ben H. Lammerman,
Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

By the instant application, 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 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; coal from mines in the northern Colorado coal fields to 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, October 17, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, applicant stated that his brother, Bob Lammerman, Denver, Colorado, wished to join with him in said application, and requested that in the event permit is granted, that it be issued to "Ben Lammerman and Bob Lammerman, co-partners, doing business as 'Lammerman Brothers,' Denver, Colorado.

Applicant Ben H. Lammerman further testified that the net worth of the partnership consisting of himself and brother is the sum of \$16,000.00; that he is the owner of a 1948 Dodge truck, with which they propose to conduct their operations.

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

It did not appear that the proposed service will impair the efficiency of any common carrier service operating in the territory which applicants seek to serve.

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

F I N D I N G S

THE COMMISSION FINDS:

That applicants are fit, willing, and able to properly perform the service sought to be performed, and to conform to the requirements of the Private Carrier Act, and our rules and regulations thereunder; that the proposed operation will not impair the efficiency of any adequate common carrier with which applicants will compete; that authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ben Lammerman and Bob Lammerman, co-partners, doing business as "Lammerman Brothers," Denver, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of 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 applicants to operate as co-partners, and not as individuals.

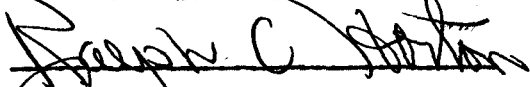


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACK FISHER AND W. S. FISHER, CO-)
PARTNERS, DOING BUSINESS AS "FISHER)
BROTHERS," BOX 282, LA SALLE, COLO-) APPLICATION NO. 10481-PP.
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

October 20, 1950

Appearances: L. J. West, Esq., Greeley,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of ground hay, only, from and to points within a radius of thirty miles of Greeley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard and taken under advisement by the Commission.

At the hearing, no one appeared in opposition to granting of the authority sought.

It did not appear that the proposed service will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Jack Fisher and W. S. Fisher, co-partners, doing business as "Fisher Brothers," La Salle, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire, for the transportation of ground hay, only, from and to points within a radius of thirty miles of Greeley, Colorado, they to operate as a co-partnership, and not as individuals.

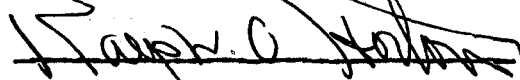
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

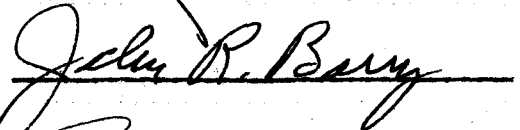
That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

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

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 20th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUGENE H. STEWART, 1939 WEST THIRD)
STREET, DURANGO, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 10633-PP.
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

October 20, 1950

Appearances: Eugene H. Stewart,
Durango, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vanadium ore from point to point within a radius of fifty miles of Durango, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard by the Commission and taken under advisement.

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

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

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

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 Eugene H. Stewart, Durango, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle

for hire for the transportation of vanadium ore from point to point within a radius of fifty miles of Durango, Colorado.

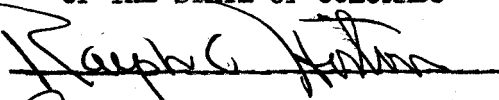
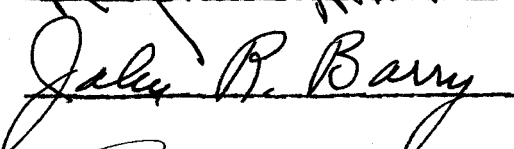

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN H. ROSSI, 5300 COLUMBINE)
STREET, DENVER, COLORADO, FOR AN) APPLICATION NO. 10807-PP-Extension.
EXTENSION OF PERMIT NO. B-3444.)
-----)

October 20, 1950

Appearances: John H. Rossi, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-3444 to include the right to transport coal from mines in the northern Colorado coal fields to Denver, Colorado, and to points within a radius of ten miles of Denver, and to Valmont Plant of Public Service Company, located near Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, October 17, 1950, at ten o'clock A. M., and there taken under advisement.

At the hearing, applicant testified that his net worth is \$2,000.00; that he is the owner of a 1948 Chevrolet two-ton truck which he proposes to use in the conduct of his extended operations.

No one appeared in opposition to granting authority sought.

It did not appear that the proposed extended operations of applicant will tend to impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

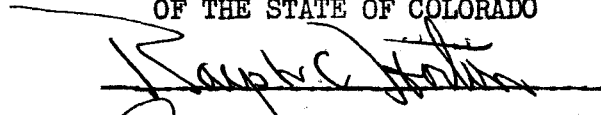
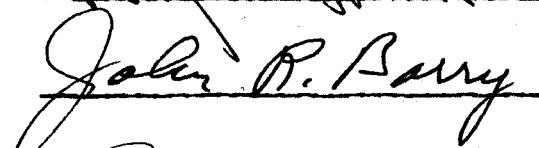

O R D E R

THE COMMISSION ORDERS:

That John H. Rossi, Denver, Colorado, be, and he hereby is, authorized to extend his operations under Permit No. B-3444 to include the right to transport coal from mines in the northern Colorado coal fields to Denver, Colorado, and to points within a radius of ten miles of Denver, and to Valmont Plant of Public Service Company, located near Boulder, 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 20th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES W. HURST AND STANLEY M.)
KOSCHKEE, DOING BUSINESS AS)
"CIRRUS FLYING SERVICE," ANTONITO,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)
-----)

APPLICATION NO. 8992
SUPPLEMENTAL ORDER

October 20, 1950

Appearances: Judge J. Fidel Chavez, Antonito,
Colorado, for applicants;
E. B. Evans, Esq., Denver, Colo-
rado, for Colorado Recreational
Airways;
R. J. Moses, Esq., Alamosa, Colo-
rado, for Colorado Aircraft
Sales and Service;
W. F. Bridgeman, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 30435, of date May 7, 1948, James W. Hurst and Stanley M. Koschkee, doing business as "Cirrus Flying Service," Antonito, Colorado, were granted a certificate of public convenience and necessity, authorizing:

transportation of passengers and property by air-
plane in interstate and intrastate commerce, not
on schedule, but on call and demand, in irregular
service, between all points in the State of Colorado,

it being provided in said Decision No. 30435:

"That applicants shall not establish an office or
branch for the purpose of developing business at
any town, place, or city other than Antonito, Colo-
rado, and nearby airports."

The Commission is now in receipt of a communication from said
certificate-holders, signed by James W. Hurst, requesting that the base
of operations under said certificate be changed from Antonito, Colorado,
to La Jara, Colorado.

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

FINDINGS

THE COMMISSION FINDS:

That Decision No. 30435 should be, and the same hereby is, amended by striking therefrom the third paragraph of the Order contained in said decision, beginning with the words:

"That applicants shall not establish an office,"
and ending with the words:

"Antonito, Colorado, and nearby airports",
and substituting in lieu thereof, the following:

"That applicants shall not establish an office or branch for the purpose of developing business at any town, place, or city other than La Jara, Colorado, and nearby airports."

That, except as herein amended, said Decision No. 30435 shall remain in full force and effect.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hottel

John R. Barry

Joseph C. Hottel
Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1950.

ga

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT SEDER AND ROBERT L. WOLFE,)
1329 EAST 23RD AVENUE, DENVER, COLO-) APPLICATION NO. 10797-PP-Extension.
RADO, FOR AUTHORITY TO EXTEND OPER-)
ATIONS UNDER PERMIT NO. B-3534.)
-----)

October 20, 1950

Appearances: Robert Seder, Denver,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to extend operations under Permit No. B-3534 to include the right to transport coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, near Boulder, Colorado; to Great Western Sugar Company Plants at Brighton, Greeley, Fort Collins, Loveland, and Longmont, Colorado; to Denver Federal Center and Rocky Mountain Arsenal, near Denver, Colorado; and to Kumer-Empson Plants, located at Brighton, Longmont, Greeley, and Fort Lupton, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, October 17, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, Robert Seder, appearing for applicants, stated the net worth of said partnership is \$3500.00.

No one appeared in opposition to granting authority sought.

It did not appear that the proposed extended service of applicants will impair the efficiency of any common carrier service operating in the territory which applicants will serve.

The operating experience and financial responsibility of applicants were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

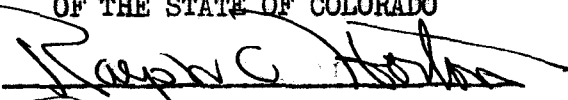
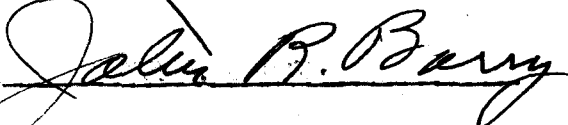

O R D E R

THE COMMISSION ORDERS:

That Robert Seder and Robert L. Wolfe, Denver, Colorado, be, and they hereby are, authorized to extend operations under Permit No. B-3534 to include the right to transport coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, near Boulder, Colorado; to Great Western Sugar Company Plants at Brighton, Greeley, Fort Collins, Loveland, and Longmont, Colorado; to Denver Federal Center and Rocky Mountain Arsenal, near Denver, Colorado; and to Kuner-Empson Plants, located at Brighton, Longmont, Greeley, and Fort Lupton, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ROCCO DI PAOLO, 161 PLUM STREET,
TRINIDAD, COLORADO, FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY. } APPLICATION NO. 6248-Amended

IN THE MATTER OF THE APPLICATION OF
ROCCO DI PAOLO, 161 PLUM STREET,
TRINIDAD, COLORADO, FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY. } APPLICATION NO. 6248-B

October 19, 1950

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that Rocco Di Paolo, Trinidad, Colorado, filed an application with the Commission, designated as Application No. 6248, seeking authority to operate as a common carrier by motor vehicle for hire, for the transportation of passengers between Trinidad, Colorado, and the Army Detention Camp, located about ten miles from Trinidad, and intermediate points. Hearing thereon was held January 22, 1943, at which time applicant was permitted to amend his application to include the:

Transportation of passengers, on schedule, over public streets of the City of Trinidad, Colorado, such service to be limited to the streets and the number of schedules to be designated by the City Council, with the right to stop at any and all street intersections along the said routes for the purpose of discharging and receiving passengers, and with authority to extend said service from time to time as the Council may require or allow, and the development of the City or its business may make necessary.

The Commission granted the authority originally sought in Application No. 6248, which was later transferred by applicant to one Vince Cimino. Mr. Di Paolo retained, however, his interest in that portion of Application No. 6248 included in the amendment quoted hereinabove, and a separate hearing on said amendment was held on February 23, 1943, at Trinidad, Colorado.

On March 6, 1943, by Decision No. 20527, the Commission granted applicant the authority sought in the amendment, subject, however, to the completion of certain requirements, including the filing of insurance certificate, tariff, description of equipment, or other documents specified by law and in the Commission's Rules and Regulations, and the payment of required fees and deposits.

In Application No. 6248-B the above-named applicant sought a certificate of public convenience and necessity for the

Transportation of passengers, baggage, including milk and cream, express and freight between Trinidad, Colorado, Trinidad Municipal Airport, Hoehne, Chicosa, El Moro and intermediate points by diverse routes.

This matter was duly set for hearing on July 5, 1944, at Trinidad, Colorado, although applicant had failed to remit filing fee therewith.

Applicant has been duly notified by this Commission of his failure to complete requirements necessary for issuance of formal operating authority under Application No. 6248-Amended in one or more of the respects hereinbefore set forth. He has also failed to remit the filing fee in Application No. 6248-B required by law.

The Commission is therefore of the opinion, and so finds, that the above-styled Applications Nos. 6248-Amended and 6248-B should be dismissed, and that Decision No. 20527 in Application No. 6248-Amended should be set aside and held for naught.

ORDER

IT IS ORDERED:

That Applications Nos. 6248-Amended, and 6248-B
should be, and hereby are, dismissed;

That Decision No. 20527 of date March 6, 1943, entered
in Application No. 6248-Amended, should be, and hereby is, set aside
and held for naught.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holm
John R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 19th day of October, 1950

jh

Original

(Decision No. 35518)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ALEAN R. LASALLE AND JOHNNY P.)
LASALLE, CO-PARTNERS DBA BILL'S)
CITY TAXI, 1402 WALNUT STREET,)
BOULDER, COLORADO, TO AMEND)
PUC-177.)
-----)

APPLICATION NO. 7769-Amended

October 20, 1950

Appearances: E. B. Evans, Esq., for ap-
plicant;
Joseph L. Morrato, Esq., Boul-
der, Colorado for De Luxe Cab
Company.

S T A T E M E N T

By the Commission:

By Decisions Nos. 1269 and 1742, Lena Brandhorst was granted a
certificate of public convenience and necessity for the transportation of:

passengers from Boulder to the various scenic
attractions in the Boulder Region, subject to
the following terms and conditions: (a) that
all sightseeing and tourist operations shall
be limited to round-trip operations, originat-
ing and terminating at the point of origin of
the service, without stop-over privileges; (b)
that no one-way transportation of passengers
is permitted between the City of Boulder and
any point where there exists regular transpor-
tation by either railroad or motor vehicle
carrier, or in part by the one and in part
by the other; (c) that the equipment to be
used in this operation shall be limited to
one automobile,

said operating rights being designated "PUC No. 177."

By Decision No. 3540, of date July 5, 1931, said authority was
extended to include:

transportation of sightseeing passengers in
interstate commerce only between Boulder and
all points outside of the State of Colorado.

Pursuant to authority contained in Decision No. 5097, of date
July 7, 1933, Lena Brandhorst transferred said PUC No. 177 to Louis F.
Hennig and Lillie E. Hennig, co-partners, doing business as "City Taxi
Company," Boulder, Colorado.

By Decision No. 8200, of date August 5, 1936, said operating rights were extended to include:

transportation of passengers and baggage to and from Boulder and Blanchard Lodge located some four miles up Boulder Creek from Boulder, on call and demand.

By Decision No. 13587, of date May 25, 1939, as amended by Decision No. 14165, of date October 13, 1939, said operating rights were further extended to include the:

conduct of a taxicab service for the transportation of one-way passengers and their baggage between points within the City of Boulder and points within a radius of nine miles of the City of Boulder, and between the City of Boulder and Ward, Colorado (an immediate return by passengers to be regarded as an additional trip), subject to the following terms and conditions: that applicant shall charge not less than the following minimum rates: (1) between the City of Boulder and any points within one-half mile radius of the limits of the city—one-way fare—one or two passengers, 25¢, each additional passenger 10¢; (2) between the City of Boulder and any point more than one-half mile distant from the City Limits, and not to exceed six-tenths of a mile therefrom one-way fare—one or two passengers, 35¢, each additional passenger 10¢; (3) between the City of Boulder and points more than six-tenths of a mile from the City Limits, and not more than one mile distant therefrom round-trip fare, 40¢; (4) between the City of Boulder and points more than one mile from the City Limits, and within a five-mile radius thereof one-way fare 20¢ per loaded car mile, regardless of the number of passengers, not exceeding five.

Pursuant to authority contained in Decision No. 24005, of date January 10, 1945, said Louis F. Hennig and Lillie Hennig, co-partners, doing business as "City Taxi Company," transferred said PUC N. 177 to L. A. Billings and M. M. Billings, co-partners, doing business as "Bill's City Taxi," Boulder, Colorado.

By Decision No. 26841, of date October 9, 1946, said certificate-holders were authorized to extend operations thereunder to include the right to transport:

passengers and baggage in taxicab service, only, from and to points in the City of Boulder, Colorado, from and to points within a radius of 3½ miles thereof, subject to the following limitations: (1) all transportation under the

authorized extension shall originate or terminate in the City of Boulder, except that no service originating in Denver shall be performed; (2) no service shall be performed to or from Rocky Mountain National Park, Grand Lake, or points south of Grand Lake on U. S. Highway No. 34 to Granby, or points on U. S. Highway No. 40 between Granby and Denver, or points south of U. S. Highway No. 40 between Granby and Denver; (3) no sightseeing service under this extension shall be performed; (4) no service shall be performed in competition with the authority of W. P. Rees, doing business as "De Luxe Cab Company," under its PUC No. 1198; (5) all service to be performed shall be call and demand service, and not on schedule; (6) rates to be charged for taxicab service under the authorized extension shall be 27¢ per mile, one way, with fare and one-half for round trip, for the first two passengers, and 15¢ per mile extra for each additional passenger, either one way or round trip, and \$2.00 per hour waiting time, except that no charge shall be made for transportation of children under 6 years of age when accompanied by a paying passenger, and children between the ages of 6 and 12 years, when accompanied by a paying passenger, shall be charged half fare, only.

By Decision No. 27397, of date January 27, 1947, the following limitations were added to extended authority granted by Decision No. 26841:

1. In the operation under said certificate between Boulder and Estes Park, Colorado, and intermediate points Lyons to Estes Park, applicants shall be limited to the use of not more than two five-passenger automobiles; and (2) that the fares of applicants for the transportation of persons between Boulder and Estes Park, Colorado, and intermediate points Lyons to Estes Park, during the time Rocky Mountain Motor Company operates a schedule service between said points, shall be not less than 120% of the fares charged by said Rocky Mountain Motor Company for transportation between said points.

Pursuant to authority contained in Decision No. 31389, of date October 31, 1948, said L. A. Billings and M. M. Billings, co-partners doing business as "Bill's City Taxi," Boulder, Colorado, transferred said PUC No. 177 to Alean R. LaSalle and Johnny P. LaSalle, co-partners, Boulder, Colorado.

By the instant application, as amended, said Alean R. LaSalle and Johnny P. LaSalle ask for an extension of their authority under PUC No. 177, which application in effect is for an order amending Decision No. 26841, of date October 9, 1946, by the elimination therefrom of paragraph 4, of the restrictions reading as follows: "(4) no service shall be

performed in competition with the authority of W. P. Rees, doing business as 'De Luxe Cab Company,' under its PUC No. 1198."

This application for amendment was set for hearing at the Court House in Boulder, Colorado, for July 20, 1949, and was there heard and taken under advisement.

It was shown at the hearing by competent witnesses that there is a definite need for the proposed service of applicants in the territory covered by PUC No. 1198, of W. P. Rees, doing business as, "De Luxe Cab Company," and that the service of the latter in said territory has not been satisfactory.

FINDINGS

THE COMMISSION FINDS:

That public convenience and necessity require the proposed taxicab service of applicants in the territory embraced within PUC No. 1198, of the said W. P. Rees, doing business as, "De Luxe Cab Company," and the application for amendment should be granted.



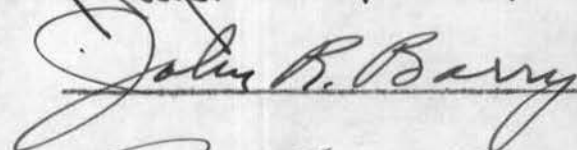
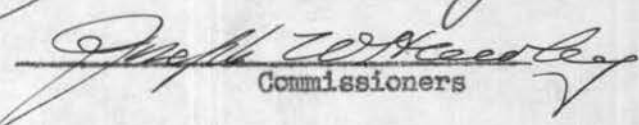
ORDER

THE COMMISSION ORDERS:

That paragraph 4, of the restrictions contained in Decision No. 26841, of date October 9, 1946, reading as follows to wit: "(4) No service shall be performed in competition with the authority of W. P. Rees, doing business as, 'De Luxe Cab Company,' under its PUC No. 1198," should be, and is hereby, deleted from said Decision No. 26841, and said Decision be, and is hereby amended accordingly.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLAYTON HILL, DOING BUSINESS AS)
"HILL'S GRAND COUNTY TRANSPORTATION,")
2909 WEST SEVENTH AVENUE, DENVER,) APPLICATION NO. 10798-PP-Extension.
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. A-35.)
-----)

October 20, 1950

Appearances: Clayton Hill, Denver,
Colorado, pro se;
Glenn Hodgson, Boulder,
Colorado, for Hodgson
Transfer.

S T A T E M E N T

By the Commission:

By the instant application, Clayton Hill, doing business as "Hill's Grand County Transportation," Denver, Colorado, seeks authority to extend operations under Permit No. A-35 to include the right to transport 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.

Said application was regularly set for hearing at 330 State Office Building, Denver, Colorado, October 17, 1950, at ten o'clock A.M., due notice of the time and place of hearing being forwarded to parties in interest.

At the time the instant application was called for hearing, applicant was not present, and Glenn Hodgson, appearing in protest for Hodgson Transfer, moved that said application be dismissed for lack of prosecution. The motion was taken under advisement.

The files were made a part of the record, and before the conclusion of the hearing, applicant appeared in support of his application.

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

It did not appear that the proposed service will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That motion to dismiss the instant application for lack of prosecution should be denied.

That authority sought should be granted.

That said Permit No. A-35, in the future, should be known as "Permit No. B-35."

O R D E R

THE COMMISSION ORDERS:

That Clayton Hill, doing business as "Hill's Grand County Transportation," Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. A-35 to include the right to transport sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to 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.

That said Permit No. A-35 shall, in the future, be known as "Permit No. B-35."

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

Raymond C. Norton

John B. Barry

John P. C. Keeney
Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. H. WARNER, 833 ELATI STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 10799-PP.
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

October 20, 1950

Appearances: W. H. Warner, Denver, Colo-
rado, pro se;
John Lewis, Esq., Denver,
Colorado, for Britt
Truck Service;
Glenn Hodgson, Boulder,
Colorado, for Hodgson
Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road surfacing materials, 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 Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, October 17, 1950, at ten o'clock A. M., and was there taken under advisement.

At the hearing, applicant testified that he is the owner of a 1942 Ford one and one-half-ton truck, which he proposes to use in the conduct of his operations.

Glenn Hodgson, appearing in protest for Hodgson Transfer, testified that there is no need for additional service for the transportation of sand, gravel, and other road surfacing materials in Boulder County.

It did not appear that the limited proposed service will impair the efficiency of any common carrier operating in the territory sought

to be served by applicant.

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

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue, as limited by the Order following.

That said permit shall bear the number "B-2962," being the number of a permit formerly held by applicant.

O R D E R

THE COMMISSION ORDERS:

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

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 permit shall bear the number "B-2962."

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Johnston
John D. Barry
John D. Barry
Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND C. RHODES, RFD NO. 2, DURANGO,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 10630-PP.
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

October 20, 1950

Appearances: Raymond C. Rhodes, Durango,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of gypsum within a radius of fifty miles of Salida, Colorado; vanadium within a radius of twenty-five miles of Naturita, Colorado, to Durango, Colorado; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to 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.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard by the Commission and taken under advisement.

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

It did not appear that the proposed service will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Raymond C. Rhodes, Durango, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of gypsum from point to point within a radius of fifty miles of Salida, Colorado; vanadium from points within a radius of twenty-five miles of Naturita, Colorado, to Durango, Colorado; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to 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.

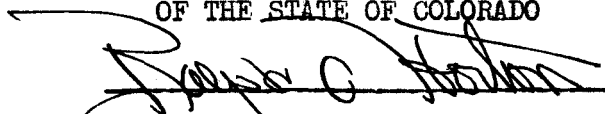
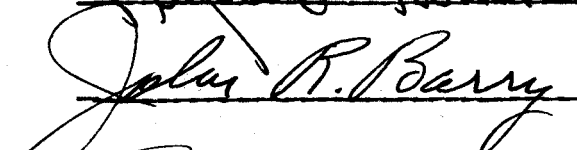

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY FOLKERTS, DOING BUSINESS AS)
"SUPREME COAL COMPANY," 864 SOUTH)
BROADWAY, DENVER, COLORADO, FOR A) APPLICATION NO. 10800-PP.
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

October 20, 1950

Appearances: Bertha Folkerts, Denver,
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 coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company of Colorado, located near Boulder, Colorado; also to plants of Kumer-Empson Company and Plant of Great Western Sugar Company, located within a radius of fifty miles of 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, October 17, 1950, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Bertha Folkerts, sister of applicant, testifying in behalf of applicant, stated that he is the owner of a 1945 Ford Dump Truck, a 1946 International Dump Truck, and a 1940 Chevrolet Dump Truck, which he proposes to use in the conduct of his operations; that applicant's net worth is \$25,000.00.

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

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

It did not appear that the granting of the instant application, and operations by applicant, will tend to impair the efficiency of common carrier service with which applicant will compete.

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 Harry Folkerts, doing business as "Supreme Coal Company," Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company of Colorado, located near Boulder, Colorado; also to Plants of Kuner-Empson Company and Plant of Great Western Sugar Company, located within a radius of fifty miles of Denver, Colorado.

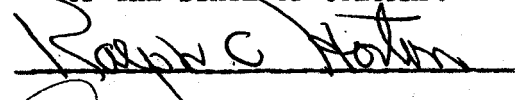
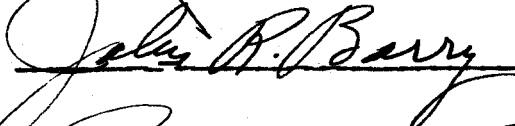

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANKLIN SHELTON, 4607 WARD ROAD,)
WHEATRIDGE, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE) APPLICATION NO. 10801-PP.
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

October 20, 1950

S T A T E M E N T

By the Commission:

By the instant application, applicant herein seeks authority 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 within a radius of fifty miles of Denver, Colorado, to road and building construction jobs within said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

Said application was regularly set for hearing at 330 State Office Building, Denver, Colorado, October 17, 1950, 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.

The files were made a part of the record, and the matter taken under advisement.

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit and operations thereunder by applicant will tend to impair the efficiency of any common carrier service with which he will compete.

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 Franklin Shelton, Wheatridge, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver, Colorado, to road and building construction jobs within said area, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

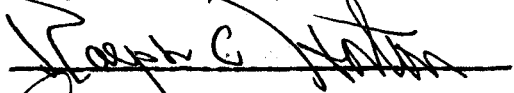


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GEORGE C. AUSTIN, 1445 WEST 46TH)	
AVENUE, DENVER, COLORADO, FOR A)	
CLASS "B" PERMIT TO OPERATE AS A)	<u>APPLICATION NO. 10802-PP.</u>
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

October 20, 1950

Appearances: George C. Austin, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of 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 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 application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, October 17, 1950, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, testifying in his own behalf, stated that he is the owner of a 1948 International Two-Ton Truck, which he proposes to use in the conduct of his operation.

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

It did not appear that the proposed service will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue.

O R D E R

THE COMMISSION ORDERS:

That George C. Austin, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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.

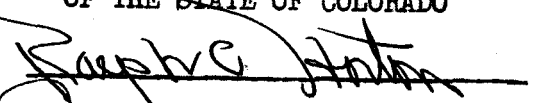
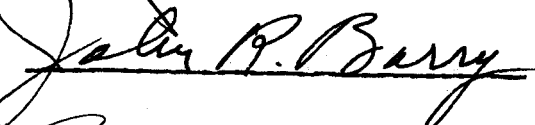

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
DELBERT R. SMITH, 1906 WEST HAMIL-)
TON COURT, ENGLEWOOD, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 10803-PP

October 21, 1950

Appearances: Delbert R. Smith, Englewood,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of 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; coal from mines in the northern Colorado coal fields to 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, at ten o'clock A. M., and there taken under advisement.

At the hearing, applicant testified that he proposes to use a 1948 GMC Truck, and a 1948 Chevrolet Truck, in the conduct of his operations.

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

F I N D I N G S

THE COMMISSION FINDS:

That said application should be granted, as limited in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

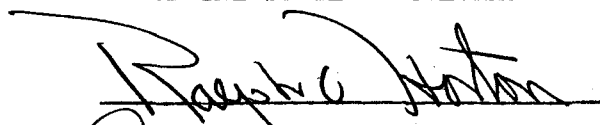
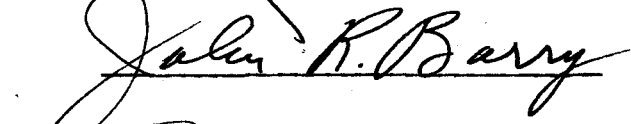
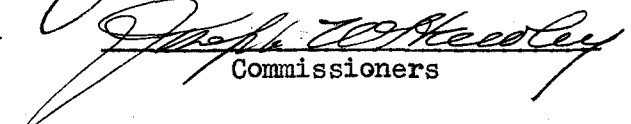
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 21st day of October, 1950

bf

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAUGHN SMITH, DOLORES, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO)
B-1031 TO RAY SANDERS AND ELMER)
FERANDO, DOLORES, COLORADO.)
-----)

APPLICATION NO. 10632-PP-Transfer

October 23, 1950

Appearances: J. B. Garrison, Esq., Cortez,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

On September 30, 1935, Stanley Talcott, Cortez, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

livestock, household goods, building material, farm supplies, farm machinery, and farm products, to and from points within a radius of fifty miles of Cortez, Colorado, with the understanding that no hauls will be made which will encroach upon present services of authorized common carriers as stipulated, now operating in this area, and in the case of emergency hauls over scheduled common carrier routes, a rate twenty per cent in excess of the scheduled carriers' rates will be charged by applicant,

said operating rights being known as "Permit No. B-1031."

Pursuant to authority contained in Decision No. 25177, of date November 24, 1945, said permit-holder transferred said operating rights to Glen D. Rust, Cortez, Colorado, who, pursuant to authority contained in Decision No. 34133, of date January 27, 1950, transferred said Permit No. B-1031 to Vaughn Smith, Dolores, Colorado, who, by the instant application, seeks authority to transfer Permit No. B-1031 to Ray Sanders and Elmer Ferando, Dolores, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard by the Commission and taken under advisement.

No one appeared in opposition to transfer of said operating rights.

The operating experience and financial responsibility of transferees were established to the satisfaction of the Commission.

It also appeared that road tax has been paid, and that ton-mile tax deposit of transferor is to be transferred to account of transferees.

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 Vaughn Smith, Dolores, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1031—being the operating rights acquired by him pursuant to authority contained in Decision No. 34133—to Ray Sanders and Elmer Ferando, co-partners, Dolores, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be.


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 transferees of all unpaid ton-mile tax.

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

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

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 23rd day of October, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT A. CLARK, MEADE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 10480-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

October 23, 1950

Appearances: Robert A. Clark, Meade,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of 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; coal from Strip Mine, located one mile north and one and one-half miles west of junction of Highways Nos. 52 and 185, to Shamrock Mine, located approximately two miles from said Strip Mine.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard by the Commission and taken under advisement.

At the hearing, applicant stated that he is the owner of a 1946 Reo Truck, which he proposes to use in the conduct of his operations.

No one appeared in opposition to granting the authority sought.

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

It did not appear that the proposed service will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Robert A. Clark, Meade, 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 Strip Mine, located one mile north and one and one-half miles west of junction of Highways Nos. 52 and 185, to Shamrock Mine, located approximately two miles from said Strip Mine.

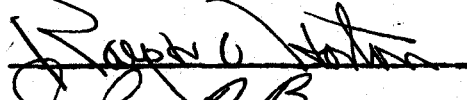
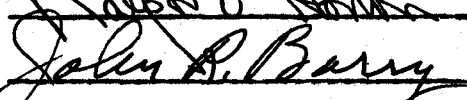
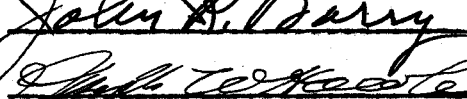
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 23rd day of October, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

M. K. McELFRESH, PAUL G. O)
ZIMMERMAN AND RALPH YOCKEY,)

Complainants,)

vs.)

CASE NO. 5006

L. O. LIGHT, PUC 1407,)

Respondent.)
-----)

October 23, 1950

Appearances: Truman Stockton, Jr., Esq., Denver,
Colorado,
John H. Lewis, Esq., Denver, Colo-
rado,
E. B. Evans, Esq., Denver, Colorado,
for complainants;
Wilkie Ham Esq., Lamar, Colorado, and
Worth Allen, Esq., Denver, Colorado,
for respondents;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Frank Bresch, Topeka, Kansas, for
M. K. McElfresh.

S T A T E M E N T

By the Commission:

On March 7, 1941, L. O. Light filed application for certificate of public convenience and necessity for the transportation of livestock between points in that area lying east of a line drawn north and south through Manzanola, and south of a line drawn east and west through Colorado Springs, and from and to points in that area to and from points in the State of Colorado.

By Decision No. 17136, of date May 7, 1941, the Commission granted authority to applicant for the transportation of:

Livestock, (specifically including cattle, sheep, hogs, horses and mules) between points within that part of the State of Colorado which lies east of a line drawn north and south through Rocky Ford, without the right to pick up livestock in that part of Crowley County included in said area which lies west of a line drawn north and south through Sugar City, or within the area lying within a radius of 35 miles of Branson, Colorado, and from and to points in said area, to and from points in the State of Colorado.

PUC No. 1407, was assigned to the operation.

On September 15, 1949, M. K. McElfresh, Paul G. Zimmerman, and Ralph Yockey, who have authority to transport livestock between points in that part of the State of Colorado, (or a portion thereof) bounded on the south by a line drawn east and west through Colorado Springs, Colorado, and on the west by a line drawn north and south through Rocky Ford, Colorado, and from and to points in said territory to and from points in the State of Colorado, filed complaint against the certificate holder setting forth the above facts and alleging further, inter alia:

- (1) that notices of said application and hearing were sent only to certificated carriers whose authorities might be in conflict with the authority sought by respondent in the territory south of a line drawn east and west through Colorado Springs; that only the carriers receiving such notices appeared at the hearing and no proof was introduced of public convenience and necessity requiring respondent's services other than in the territory described in the application.
- (2) That due to a clerical error the Commission, in making and entering Decision No. 17136, failed to define and fix definitely the northern boundary of the territory to be included in the certificate granted; that the findings of fact upon which the certificate was authorized show that the Commission did not intend to include in the authority granted all that part of the State of Colorado lying east of the line drawn north and south through Rocky Ford, but intended to fix and determine a northern boundary therefor, in a location similar to, but not north of, that set forth and described in the application.
- (3) That at all times prior to September 1, 1949, respondent confined his operations to the territory described in the authority which lies south of a line drawn east and west through Colorado Springs, thus placing a construction on the decision which has restricted his operation to the area lying south of said east and west line.
- (4) That subsequent to September 1, 1949, the respondent operated his trucks out of the territory surrounding Burlington, Stratton, and Flagler, Colorado, for the transportation of livestock to points other than points located in his territory south of a line drawn east and west through Colorado Springs, has transported livestock from other points north of said line to points other than those located in his territory south of said line, and threatens to continue such transportation of livestock.
- (5) That the Commission was without jurisdiction to fix and determine a north line for the territory granted to respondent by said Decision No. 17136, which was north of a line drawn east and west through Colorado Springs, for the reason that in failing to so fix the north boundary of said territory, the order contained in said Decision exceeds the prayer of the application; the evidence introduced in support thereof and the findings of the Commission.

In their complaint, complainants ask that the Commission by a nunc pro tunc order amend said Decision No. 17136, so as to fix and determine the north boundary of respondent's authority, as being a line drawn east and west through Colorado Springs; or for an order clarifying respondent's authority in said Decision by fixing said north boundary.

Petitions for leave to intervene as parties complainants were filed by the following parties: Paul V. Hickman, doing business as Yuma County Transportation Co., Yuma, Colorado; Martin Wilshushen, Yuma, Colorado; Russell R. Goodwin, doing business as Goodwin and Sons, Flagler, Colorado; John Hellbusch, Crook, Colorado; Marian Brown and Walter Rountree, doing business as Wiladel Truck Line, Arickaree, Colorado; Martin E. Stattheit, doing business as Stattheit Supply, Idalia, Colorado; Gay Hart, doing business as Farm Hauling Service, Longmont, Colorado; G. Barnhill, doing business as Barnhill Truck Lines, Simla, Colorado; and W. H. Holstine, Kirk, Colorado.

Order to satisfy or answer the complaint was served upon respondent, and on September 23, 1949, he filed his answer denying that the Commission erred in entering Decision No. 17136, or that the Commission intended to fix a north boundary other than that fixed in the Decision; denying that respondent has confined his operations to a territory south of a line drawn east and west through Colorado Springs; alleging affirmatively that he has conducted extensive operations in the territory north of such line, has had trucks operating in the territory surrounding Stratton, Burlington, and Flagler, Colorado, both prior and subsequent to September 1, 1949, and has a right to conduct such operation; and denying that the Commission was without jurisdiction to fix the boundary lines of the authority, as same were fixed by said Decision No. 17136.

Hearing on the complaint was set at the Court House, Lamar, Colorado, for May 15, 1950, and after due notice to all parties in interest was there heard and taken under advisement.

No evidence was offered at the hearing and the case was submitted on an oral stipulation.

It was stipulated by Counsel that the files of the Commission should be made a part of the record and that L. O. Light would testify, if called as a witness, that beginning shortly after the date of Decision No. 17136, he did carry on a substantial operation continuously up to the present time to and from points in the area north of the line running east and west through Colorado Springs; from and to other points outside said area.

Briefs have been filed by all interested parties and carefully considered.

As in other cases complainants have the burden of proof. We regret that we do not have the benefit of the evidence and proceedings at the original hearing but same is not available. Walter Clary, the official reporter who took the hearing, is now deceased, and we have been unable to find any other reporter or stenographer who can read Mr. Clary's notes, nor was any member of the present Commission a member of the Commission as constituted at the time of the former hearing.

Truman A. Stockton Jr., who now appears as attorney for complainant, appeared at the original hearing in behalf of the Common Carrier Division of The Colorado Motor Carriers' Association, and received a copy of Decision No. 17136 on May 18, 1941. Whether the complainants, or any of them were members of said Association at that time, or whether, if such members, they were bound by Mr. Stockton's appearance, are questions we are not called upon to decide. We do not have the benefit of any testimony of Mr. Stockton relative to the proceedings at the original hearing.

The uncontradicted evidence in the instant case is that respondent carried on a substantial livestock hauling business from about the time of the Decision, May 18, 1941, continuously to date of hearing from and to points north of the line running east and west through Colorado Springs, and no complaint was filed until September 15, 1949, more than eight years after such operation was started. The record is silent as to whether any of complainants had livestock authority in that territory on the date of the Decision, and is also silent as to the date they, or any of them, had actual knowledge of the operation of respondent. We have no evidence, therefore, as to whether the doctrine of laches might apply.

We will consider in detail the allegations of the complainant:

1. That proper notice of hearing was not given to interested parties operating north of the east and west line referred to. The manner of notice and the determination as to the parties to be notified was solely in the discretion of the then existing Commission, and we will not at this late date attempt to amend its order, because of lack of notice. No motion for rehearing was filed, although the Common Carrier Division of the Colorado Motor Carriers' Association had prompt notice of the Decision. And, as above stated, no attack was made upon the Decision for more than eight years after the date thereof.
2. That the failure of the Commission to fix a definite north boundary line in the authority granted, as the line running east and west through Colorado Springs, was a "clerical error." There is no evidence to substantiate this allegation.

3. That prior to September 1, 1949, respondent confined his operation to the territory north of the line running east and west through Colorado Springs. The evidence is decidedly to the contrary.

4. That subsequent to September 1, 1949, respondent operated his trucks north of the east and west line referred to. Respondent admits that this is a fact, but how does this fact alone benefit complainants in the absence of other material evidence.

5. That the order contained in said Decision exceeds the prayer of the application, the evidence introduced in support thereof, and the findings of the Commission. We have carefully read the Decision and find no evidence recited in support of the application which is limited to proposed service south of the line referred to. The findings contain the phrase, "that the authority sought should be granted," which is a stock phrase used in all orders granting authority and no doubt refers to the first paragraph of the statement, wherein the authority sought is not limited to the territory south of the line referred to. Nor do we have the record available to show whether the application was amended prior to hearing, or what, if any, stipulations were entered into or proceedings had, that might amend the description of the area applied for. These matters were all subject to proof by the witnesses and attorneys who appeared at the original hearing, but we do not have benefit of such proof.

In brief, the records of the Commission under PUC N. 1407, coupled with the admitted fact that respondent conducted extensive livestock operations from May 17, 1941, to date of hearing to and from points north of the line running east and west through Colorado Springs, is the only evidence before us in support of the complaint, and such evidence is not sufficient upon which an intelligent decision could be rendered. The burden of proof was on the complainants to establish the truth of the allegations, and to give the Commission a clear picture of the situation in the territory in controversy during the period subsequent to the date of Decision No. 17136, and this burden has not been sustained by the complainants.

F I N D I N G S

THE COMMISSION FINDS:


For the reasons given in the above and foregoing statement, which by reference is made a part hereof, that the complainants have failed to establish the truth of the allegations made in the complaint, have failed to prove the charges made by a preponderance of the evidence, and said complaint should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the instant complaint should be, and is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Kohn

John R. Barry

Joseph C. Sewley
Commissioners

Dated at Denver, Colorado
this 23rd day of October, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MAY R. CAMPBELL, AS ADMINISTRATRIX)
OF THE ESTATE OF ROY CAMPBELL,)
DECEASED, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 10846-Transfer.
PUC NO. 2017 TO CLAYTON GREEN,)
YUMA, COLORADO.)
-----)

October 24, 1950

Appearances: Glenn S. Thompson, Esq.,
Yuma, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

By Decision No. 28762, of date August 6, 1947, Roy Campbell,
Yuma, Colorado, was granted a certificate of public convenience and
necessity for the:

conduct of a general transfer, drayage and
cartage business within the Town of Yuma, Colorado,

said operating rights being designated "PUC No. 2017."

Said Roy Campbell subsequently departed this life, leaving
May R. Campbell, his widow, him surviving. Thereafter she was appointed
Administratrix of his estate by the County Court of Yuma County, and with
the consent, and under the direction of said County Court, now applies to
this Commission for authority to transfer said operating rights.

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 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 application, 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 against said operation, if any.

ORDER

THE COMMISSION ORDERS:

That May R. Campbell, as Administratrix of the Estate of Roy Campbell, Deceased, should be, and she hereby is, authorized to transfer all right, title, and interest in and to PUC No. 2017 --- being the operating rights granted decedent by Decision No. 28762 --- to Clayton Green, Yuma, 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 the operations under said certificate up to the time of the transfer of said certificate, and the payment by her or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit shall be transferred and credited 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. Hutton

John R. Barry

Joseph C. Hensley
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1950.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
WILLIS D. BLACKFORD AND ROBERT M.
RANDALL, CO-PARTNERS, 116 SOUTH
MONROE STREET, LOVELAND, COLORADO,
FOR AUTHORITY TO TRANSFER PUC NO.
1808 TO WILLIS D. BLACKFORD AND
HAROLD L. BLACKFORD, CO-PARTNERS,
116 SOUTH MONROE STREET, LOVELAND,
COLORADO.

APPLICATION NO. 10847-Transfer.

October 24, 1950

S T A T E M E N T

By the Commission:

By Decision No. 27015, of date May 31, 1946, Julius Bussard, Englewood, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, on schedule, for the transportation of:

passengers by bus, in the City of Loveland, over the route described as: Beginning at the corner of West 4th Street to Colorado Avenue; thence north to West 8th Street; thence east to Grand Avenue; thence north to West 14th Street; thence east to Lincoln Avenue; thence south to East 4th Street; thence east to St. Louis Avenue; thence north to East 5th Street; thence west to Pierce Avenue; thence north to East 7th Street; thence west to Monroe Avenue; thence north to East 14th Street; thence west to Cleveland Avenue; thence south to point of origin,

said operating rights being designated "PUC No. 1808."

Pursuant to authority contained in Decision No. 28063, of date April 11, 1947, said certificate-holder transferred said PUC No. 1808 to J. M. Bussard and G. D. Bussard, co-partners, doing business as "Loveland Bus Service," Englewood, Colorado, who, pursuant to authority contained in Decision No. 32828, of date June 10, 1949, transferred said operating rights to Willis D. Blackford and Robert M. Randall, co-partners, Loveland, Colorado, who, by the instant application, seek authority to transfer PUC No. 1808 to Willis D. Blackford and Harold L. Blackford, co-partners, Loveland, 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 passenger-mile tax deposit 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 qualified, able, and willing to carry on said 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 certificate, 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 Willis D. Blackford and Robert M. Randall, co-partners, Loveland, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1808 -- being the operating rights granted by Decision No. 27015 -- to Willis D. Blackford and Harold L. Blackford, co-partners, Loveland, 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 transferees until changed according to law and the rules and regulations of this 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.

That passenger-mile tax deposit of transferors is to be transferred and credited 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. Keenley
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EARL M. ODELL, DOING BUSINESS AS
"ODELL TRUCK LINE," WRAY, COLORADO,
FOR AUTHORITY TO TRANSFER PERMIT
NO. B-1947 TO A. R. KOUBA, WRAY,
COLORADO.

} APPLICATION NO. 10843-PP-Transfer.
}

October 24, 1950

S T A T E M E N T

By the Commission:

By Decision No. 9048, as amended by Decision No. 28725, of date July 29, 1947, F. M. Odell was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

farm products (including livestock), used household goods and farm equipment, from point to point within a radius of forty miles of Wray, Colorado, with the further right to transport farm products and livestock from said area to Denver; save and except that no authority is granted to transport cream and eggs,

said operating rights being designated "Permit No. B-1947."

By Decision No. 18062, of date December 19, 1941, said Permit No. B-1947 was extended to include the right to transport:

buildings between points within a radius of forty miles of Wray, Colorado.

Pursuant to authority contained in Decision No. 30221, of date April 7, 1948, said permit-holder transferred said operating rights to Earl M. Odell, doing business as "Odell Truck Line," Wray, Colorado.

By the instant application, said Earl M. Odell, doing business as "Odell Truck Line," seeks authority to transfer Permit No. B-1947 to A. R. Kouba, Wray, 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 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 application for formal hearing, the Commission determined to hear, and has heard, said application, 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 Earl M. Odell, doing business as "Odell Truck Line," Wray, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2947 -- being the operating rights granted by Decision No. 9048, as amended by Decision No. 28725, and as extended by Decision No. 18062 -- to A. R. Kouba, Wray, Colorado, subject to payment of outstanding indebtedness, if any there be, against said operation, 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 shall be transferred and credited 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

Frederic C. Watson
John R. Barry
Joseph C. Headley
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THEODORE GROVES AND BERTON GROVES,
CO-PARTNERS, DOING BUSINESS AS
"THEODORE GROVES & SON," 116 OAK
STREET, MANITOU SPRINGS, COLORADO,
FOR AUTHORITY TO TRANSFER PERMIT
NO. B-1501 TO THEODORE GROVES AND
ELIZABETH GROVES, CO-PARTNERS,
DOING BUSINESS AS "GROVES CONSTRUCTION COMPANY," 44 EL PASO BOULEVARD,
MANITOU SPRINGS, COLORADO.

APPLICATION NO. 10844-PP-Transfer.

October 24, 1950

S T A T E M E N T

By the Commission:

By Decision No. 6941, of date December 21, 1935, Theodore Groves, Manitou Springs, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

coal from Denver and Rio Grande freight yards at Manitou and Colorado Springs and the Pikes View Mine, to Colorado Springs, Manitou, and Lake George; sand, gravel, and rock, brick, reinforcing iron, and building contractors' equipment from Manitou to Colorado Springs or from Manitou and Colorado Springs to mountain cabins, suburban towns, and summer resorts in the vicinity thereof; fertilizer from dairies and ranches within a radius of fifty miles of Colorado Springs to Colorado Springs and its suburban towns; white quartz from Divide to Colorado Springs for Manitou-Greystone Company; posts piling and poles from points on Highway No. 50 within a radius of fifty miles of Colorado Springs to Colorado Springs, Colorado,

said operating rights being designated "Permit No. B-1501."

By Decision No. 10385, of date July 21, 1937, said Permit No. B-1501 was extended to include the right to transport:

sand, gravel, rock, clay products and dirt from point to point within a radius of fifty miles of Colorado Springs; native, rough lumber and slabs from mills to summer resorts located within a radius of twenty miles of Colorado Springs; lumber and building material from yards at Colorado Springs to points west thereof, not extending twenty miles distant, and excluding Manitou; cement from Colorado

Springs and railroad points to highway jobs under construction within fifty miles of Colorado Springs, provided, however, applicant shall not engage in any transportation service transporting finished lumber between points on U. S. Highways Nos. 84 and 24.

Pursuant to authority contained in Decision No. 30410, of date May 6, 1948, said certificate-holder transferred Permit No. B-1501 to Theodore Groves and Berton Groves, co-partners, doing business as "Theodore Groves & Son," Manitou Springs, Colorado.

By the instant application, said Theodore Groves and Berton Groves, co-partners, doing business as "Theodore Groves & Son," seek authority to transfer Permit No. B-1501 to Theodore Groves and Elizabeth Groves, co-partners, doing business as "Groves Construction Company," Manitou Springs, 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 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 permit, the Commission determined to hear, and has heard, said application, 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 Theodore Groves and Berton Groves, co-partners, doing business as "Theodore Groves & Son," Manitou Springs, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-1501 -- being the operating rights granted by Decision


No. 6941, as extended by Decision No. 10385 -- to Theodore Groves and Elizabeth Groves, co-partners, doing business as "Groves Construction Company," Manitou Springs, Colorado, subject to payment of outstanding indebtedness against said operation, whether secured or unsecured, if any there be.

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 shall be transferred to account of transferees.

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. Watson
John R. Barry
Joseph C. Watson
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1950.

ea

original

(Decision No. 35533)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF	}	
J. V. TRIMMER, ROUTE 11, GRAND	}	
JUNCTION, COLORADO, FOR AUTHORITY	}	<u>APPLICATION NO. 10845-PF-Transfer.</u>
TO TRANSFER PERMIT NO. B-4165 TO	}	
HENRY M. TEBO, 231 GUNNISON AVENUE,	}	
GRAND JUNCTION, COLORADO.	}	
-----	}	

October 24, 1950

S T A T E M E N T

By the Commission:

By Decision No. 34619, of date April 20, 1950, J. V. Trimmer, Grand Junction, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

"trash and garbage and ashes within a radius of ten miles of Grand Junction, Colorado, including the Towns of Palisade and Fruita, Colorado, but not including the City of Grand Junction; nor shall applicant, under the authority herein granted, be permitted to serve the following firms: United Fruit Growers Co-op, Pacific Growers Company, and Colorado Flavo Canning Company,"

said operating rights being designated "Permit No. B-4165."

By the instant application, said permit-holder seeks authority to transfer Permit No. B-4165 to Henry M. Tebo, Grand Junction, 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 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 permit, the Commission determined to hear, and has heard, said application, 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 J. V. Trimmer, Grand Junction, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4165 -- being the operating rights granted by Decision No. 34619 -- to Henry M. Tebo, Grand Junction, 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 shall be transferred and credited 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

Ralph C. Hutton

Julius R. Barry

James W. Hoadley
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. P. BERRY, JOE H. BERRY, AND JACK)
R. BERRY, DOING BUSINESS AS "WESTERN)
SLOPE FILM SERVICE, " 6555 WEST 26th)
AVENUE, DENVER, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PUC NO. 2125 TO)
M. A. PACKARD, 822 21ST STREET,)
DENVER, COLORADO)
-----)

APPLICATION NO. 10849-Transfer

October 24, 1950

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

S T A T E M E N T

By the Commission:

By Decision No. 24875, of date May 31, 1950, J. P. Berry, Joe R. Berry, and Jack R. Berry, doing business as "Western Slope Film Service," Denver, Colorado, were granted a certificate of public convenience and necessity for the transportation of:

motion picture film, radio and television recordings and films, advertising matter relating thereto, and theater accessories except furniture, furnishings and fixtures, between Denver, Colorado, and Grand Junction, Colorado, via U. S. Highways Nos. 6 and 40 between Denver and Wheeler; thence via Colorado Highway No. 91 to Leadville, Colorado; thence via U. S. Highways Nos. 24 and 6 to Grand Junction, Colorado, serving all intermediate points, and the off-route point of Fruita, Colorado; and between Grand Junction and Denver, Colorado, via Highway No. 50 to Salida, Colorado; thence via U. S. Highway No. 285 to Denver, Colorado, serving all intermediate points, except the Towns of Salida and Fairplay, together with the off-route points of Cedaredge, Hotchkiss, and Paonia, Colorado, using Colorado Highway No. 291 between Salida, Colorado and the junction of Colorado Highway No. 291 with U. S. Highway No. 285, approximately ten miles north of Salida, Colorado, for operating convenience, only,

said operating rights being designated "PUC No. 2125."

By the instant application, said certificate-holders seek authority to transfer PUC No. 2125 to M. A. Packard, Denver, 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 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 certificate, 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 against said operation, if any there be, whether secured or unsecured.

O R D E R

THE COMMISSION ORDERS:

That J. P. Berry, Joe H. Berry, and Jack R. Berry, co-partners, doing business as "Western Slope Film Service," Denver, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to FUC No. 2125--being the operating rights granted by Decision No. 24875--to M. A. Packard, Denver, 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, and the payment by them or transferee of all unpaid ton-mile tax.

That ten-mile tax deposit of transferors shall be transferred
and credited 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. Hutton
John R. Barry
Joseph C. Corcoran
Commissioners

Dated at Denver, Colorado,
this 24th day, of October, 1950.

eh

Original

(Decision No. 35535)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES ROBERT NEHER AND HELEN BODNAR,)
CO-PARTNERS, IGNACIO, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 469) APPLICATION NO. 10848-Transfer
TO JULIAN PAYNE, DOING BUSINESS AS)
"IGNACIO TRANSFER," IGNACIO, COLORADO)
----- }

October 24, 1950

Appearances: E. Ellison Hatfield, Esq.,
Durango, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

By the instant application, James Robert Heher and Helen Bodnar, co-partners, Ignacio, Colorado, seek authority to transfer to Julian Payne, doing business as "Ignacio Transfer," Ignacio, Colorado, PUC No. 469, with operating rights as set forth in Decision No. 2827, granted to A. C. Thompson, as extended by Decision No. 7998, and acquired by said certificate-holders pursuant to authority contained in Decision No. 27317, being the right to transport:

freight, on schedule, between the Town of Ignacio and the Station of Ignacio, between the station and town of Ignacio and the Indian Agency situated in the vicinity thereof, and between the Town of Ignacio and the City of Durango, and on call and demand between Durango and points within a radius of ten miles of the Towns of Ignacio and Bayfield; freight, on schedule, between Durango and Arboles and intermediate points, via Ignacio, over Colorado State Highway No. 172.

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 of transferors shall be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and other wise, is 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 certificate, the Commission determined to hear, and has heard, said application, 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 James Robert Neher and Helen Bodnar, co-partners, Ignacio, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 469 to Julian Payne, doing business as "Ignacio Transfer," Ignacio, 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, and the payment by them or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferors shall be transferred and credited 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

Harold C. Hoken

John R. Barry

Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 24th day of October, 1950.

Original

(Decision No. 35536)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
IVAN LEVIN, DOING BUSINESS AS)
"LEVIN BROS.," KENSINGTON, KANSAS)
FOR AUTHORITY TO TRANSFER INTER-)
STATE OPERATING RIGHTS TO DOYLE)
RAHJES AND DEAN MILLER, " DOING)
BUSINESS AS "THE M & R FREIGHT)
LINES," KENSINGTON, KANSAS.)
-----)

PUC NO. 2107-I-Transfer

October 24, 1950

S T A T E M E N T

By the Commission:

Heretofore, Ivan Levin, doing business as "Levin Bros.," Kensington, Kansas, was authorized to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 2107-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Doyle Rahjes and Dean Miller, co-partners, doing business as "The M & R Freight lines," Kensington, Kansas.

The files and records of the Commission fail to disclose any reason 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 Ivan Levin, doing business as "Levin Bros.," Kensington, Kansas, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 2107-I to Doyle Rahjes and Dean Miller, co-partners, doing business as "The M & R Freight Lines," Kensington, Kansas, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dated at Denver, Colorado,
this 24th day of October, 1950.

eh

Ralph C. Johnston
John R. Barry
Joseph W. Keefe
Commissioners

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE CHANGES IN RATES ON PETROLEUM)
AND PETROLEUM PRODUCTS, CARLOADS)
IN TANK CARS, FROM DENVER AND)
DUFONT, COLORADO, TO DESTINATIONS)
IN COLORADO ON THE LINES OF THE)
ATCHISON, TOPEKA & SANTA FE RY.)
CO., CHICAGO, BURLINGTON & QUINCY)
R.R. CO., CHICAGO ROCK ISLAND &)
PACIFIC R.R. CO., THE COLORADO)
AND SOUTHERN RY. CO., THE COLORADO)
& WYOMING RY. CO., THE DENVER AND)
RIO GRANDE WESTERN R.R. CO., THE)
GREAT WESTERN RY. CO., AND UNION)
PACIFIC R.R. CO., AS PUBLISHED)
IN WESTERN STATES FREIGHT TARIFF)
NO. 12, AGENT W. J. CHRISTIE'S)
COLO. P.U.C. NO. 37 AND THE)
DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY'S FREIGHT)
TARIFF NO. 5909-J, COLO. P.U.C.)
NO. 462.)

Investigation and Suspension
Docket No. 318

October 23, 1950

S T A T E M E N T

By the Commission:

There have been filed with the Public Utilities Commission of the State of Colorado tariffs containing schedules stating new individual and joint rates and charges, and new individual joint regulations and practices affecting such rates and charges, to become effective on the 25th day of October, 1950, designated as follows:

W. J. Christie, Agent:

Supplement No. 115 to Colo. P.U.C. No. 37;

The Denver and Rio Grande Western Railroad Company:

Amendment No. 18 to Colo. P.U.C. No. 462;

The schedules described in the above named publications make certain reductions and increases in the rates for the intrastate transportation of petroleum and petroleum products, in tank carloads, and the rights and interests of the public appearing to be injuriously affected thereby, and it

being the opinion of the Commission that the effective date of such schedules should be postponed pending a hearing and decision thereon.

IT IS ORDERED, That the Commission upon complaint without formal pleading, enter upon a hearing concerning the lawfulness of the rates, charges, regulations and practices stated in the said schedules contained in said tariffs, viz:

W. J. Christie, Agent:

Supplement No. 115 to Colo. P.U.C. No. 37, on pages 8 to 26, inclusive, thereof, in Items 3710-B to 3717-B; 3735-B to 3750-B; 3753 to 3760-B; 3765-H; 3774-B to 3800-B; 3810-B and 3815-B; 3825-B to 3840-B; 3860-B; 3875-B to 3925-B, inclusive, all rates and provisions appearing in connection with the "teardrop" Reduction and "black diamond" Advance symbols;

The Denver and Rio Grande Western Railroad Company:

Amendment No. 15 to Rio Grande Freight Tariff No. 5909-J, Colo. P.U.C. No. 462, on page 2 thereof, all rates from Denver, Colorado, in connection with column A;

That the operation of the schedules described in the first ordering paragraph hereof be suspended; and that the use of the rates, charges, regulations and practices therein stated be deferred upon Colorado intrastate traffic for a period of 120 days, or until February 12, 1951, unless otherwise ordered by the Commission, and no change shall be made in such rates, charges, regulations and practices during the said period of suspension;


That the rates and charges and the regulations and practices thereby sought to be altered shall not be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired;

That a copy of this order be filed with said schedules in the office of the Public Utilities Commission of the State of Colorado, and that copies hereof be forthwith served upon W. J. Christie, Agent, Room 513, C. A. Johnson Building, Denver, Colorado; A. G. Winter, Assistant General Freight Agent, The Denver and Rio Grande Western Railroad Company, 1531 Stout Street, Denver 2, Colorado; W. H. Turner, F.T.M., The A.T. & S.F. Ry. Co., Topeka, Kansas; C. J. Nelson, G.F.T.M., C.B. & Q. R.R. Co., 547 W. Jackson Boulevard, Chicago 6, Illinois; W. B. Futral, A.F.T.M., C. R.I. & P. R.R., Kansas City, Mo.; L. W. Glover, G.F.A., The Colorado & Southern Ry. Co., 513 C. A. Johnson Building, Denver 2, Colorado; Wm. DeBoer, Traf. Mgr., The Colorado & Wyoming Ry. Co.,

1755 Glenarm Place, Denver 2, Colo.; P. H. McMaster, Gen'l. Mgr., The Great Western Ry. Co., 412 Sugar Building, Denver 17, Colorado; K. G. Carlson, F.T.M., U. P. R.R. Co., 1416 Dodge Street, Omaha 2, Nebraska; A. L. Vogl, Attorney at law, Kittridge Building, Denver 2, Colorado, and J. R. Smith, C. of T.B., Colorado Motor Carriers' Association, 407 Denham Building, Denver 2, Colorado;

That this proceeding be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Joseph C. Walker
John R. Barry
Joseph C. Walker
Commissioners

Dated at Denver, Colorado
this 23d day of October, 1950.

hm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
WESTERN AUTO TRANSPORT, INC., 430)
SOUTH NAVAJO STREET, DENVER, COLO-) APPLICATION NO. 10810.
RADO, FOR AN EXTENSION OF PUC NO.)
1005-I.)
-----)

October 25, 1950

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

By the instant application, Western Auto Transport, Inc., Denver, Colorado, seeks authority to extend operations under PUC No. 1005-I to include the right to transport used automobiles, between points and places in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 19, 1950, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, attorney for applicant requested that said application be amended to include the right to transport new and used automobiles, between points and places in the State of Colorado, which amendment was allowed, there being no objection thereto.

Mr. Gordon W. Dowling, Secretary-Treasurer of Auto Rentals, Inc., testified in support of the application, stating such service was needed by his company.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity requires the extended motor vehicle common carrier service of applicant, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier service of applicant, Western Auto Transport, Inc., Denver, Colorado, under PUC No. 1005-I, for the transportation of new and used automobiles, between points and places in the State of Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That 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 its 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 operating rights herein granted shall be known as "PUC No. 1005."

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Johnson

John R. Barry

Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL B. ENGEL, CASTLE ROCK, COLO-)
RADO, FOR AN EXTENSION OF PERMIT) APPLICATION NO. 10812-PP-Extension.
NO. A-1273.)
-----)

October 25, 1950

S T A T E M E N T

By the Commission:

On October 5, 1950, applicant herein filed application for authority to extend operations under Permit No. A-1273, which application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 19, 1950, at ten o'clock A.M.

At the time and place designated for hearing, applicant requested that said hearing be vacated, to be set at a later date convenient to the Commission.

F I N D I N G S

THE COMMISSION FINDS:

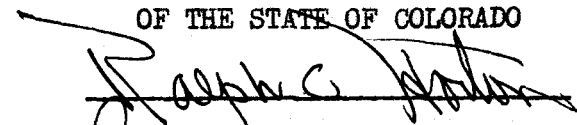
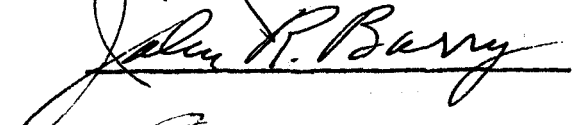
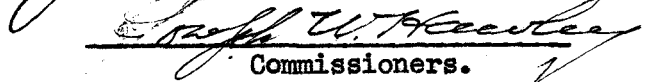
That the request of applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearing in the above-styled application, set for October 19, 1950, is hereby vacated, said application to be re-set for hearing at some future date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1950.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY CARNES AND BESSIE WALTON, DOING)
BUSINESS AS "RANGELY GAS COMPANY,")
FOR A CERTIFICATE OF PUBLIC CONVEN-) APPLICATION NO. 10773.
IENCE AND NECESSITY, AND FOR THE FIXING)
OF RATES FOR SALE OF NATURAL GAS.)
-----)

October 25, 1950

Appearances: Kenneth C. Balcomb, Jr., Esq.,
Meeker, Colorado, for applicants;
Robert E. Leech, Councilman,
Rangely, Colorado, for the
Town of Rangely;
J. M. McNulty, Denver, Colorado,
and
C. L. Flower, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On September 12, 1950, Henry Carnes and Bessie Walton, of Rangely, Colorado, by their attorney, filed an application with this Commission for a certificate of public convenience and necessity to supply natural gas service in Rangely, Colorado, and in the area adjacent to said town.

After due notice to all interested parties, the matter was set for hearing, and heard, October 10, 1950, at ten o'clock A. M., at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

Rangely is located in Rio Blanco County in the northwestern part of the State of Colorado. A town site of long standing, it was not incorporated until August 27, 1946, a few years after the discovery of the Rangely oil field in and adjacent to the town. On August 7, 1950, the Board of Trustees of the Town of Rangely duly passed and adopted Ordinance No. 56, being:

"An ordinance granting to Henry Carnes and Bessie Walton, their heirs, successors and assigns, a natural gas franchise, and the right to construct, install, operate and maintain a natural gas plant and distributing system in the Town of Rangely, Rio Blanco County, Colorado, and to sell and deliver natural gas to the said Town and inhabitants thereof, and imposing certain conditions upon the exercise of the rights and privileges hereby granted."

The above-entitled franchise is for a period of twenty-five (25) years, and a certified copy of said franchise, proof of publication, and the acceptance by applicants of the franchise have been filed with the Commission.

Mr. Henry Carnes testified at the hearing that he and his daughter, Bessie Walton, are presently engaged in the business of selling automobiles in Rangely, and also operate the B & M Service Company, a garage for the repair of automobiles. The net worth of the B & M Service Company, as shown by Exhibit No. 5, is about \$92,000.00, of which \$38,896.73 is cash on hand or in banks, as of August 1, 1950. The financial status of applicants as of the date of the hearing was testified to as being about the same as shown by said exhibit.

Applicants propose to form a separate partnership, to be known as "Rangely Gas Company," to operate the gas distribution system in and around Rangely. Part of the cash of the B & M Service Company will be used to start the operations of the gas company, but it is not proposed at this time to liquidate any of the other assets of B & M to finance the gas company. Applicants have sufficient capital to begin operation on the gas system, but intend to finance the gas company by a loan from a bank. The plan for financing when set up will be submitted to the Commission for approval.

Exhibit No. 2, submitted by applicants, is an estimate of the cost for the installation of the complete gas system proposed for Rangely and adjacent territory, and is shown as about \$63,000.00. This figure will be used as the basis for a charge for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

Applicants propose to obtain natural gas from the Rangely Gasoline Plant located about five miles northeast of town. Wet natural gas from the field is piped into the plant and there processed, the by-product being dry natural gas. A tentative letter of agreement between applicants and the California Company, operators of the gasoline plant, was introduced at the hearing as Exhibit No. 4, with the understanding that a conformed copy of the final agreement will be filed by applicants when final negotiations have been completed. The tentative letter of agreement, among other things, states that the gasoline plant owners will deliver to applicants up to 500,000 cubic feet of gas per day for a period of twenty (20) years, at a cost to applicants of 10¢ per M. C. F. It appears that this amount of gas will be sufficient for the needs of applicant company in the foreseeable future.

Applicant Carnes further stated that he believed about one hundred (100) customers could be connected to the system as soon as the mains were installed, and that there was a potential of between 300 and 500 ultimate customers in the area proposed to be served. In addition to the Town of Rangely, applicants want to serve the area within twelve miles of the town limits of Rangely.

Mr. R. E. Leech, Councilman of Rangely, Colorado, stated at the hearing that the town consented to the granting of the instant application, but that he had received complaints regarding the rate applicants propose to charge. The proposed rate, as set forth at the hearing, is as follows:

\$3.00 minimum, including 500 cubic feet of gas,
.55 per 1,000 cubic feet for the next 5,000 cubic feet,
.45 per 1,000 cubic feet for the next 5,000 cubic feet,
.35 per 1,000 cubic feet for all over 10,500 cubic feet.

Mr. Leech believed that the above stated minimum of \$3.00 was too high.

Where utilities are just starting operations and there are no facts before the Commission as to the actual number of customers, amount of gas used, operating expenses including depreciation and taxes, amount of capital invested, and other factors affecting rate structures, the rates as proposed by the utility are ordinarily accepted, if they do not appear unreasonable, until such time as information is available to the Commission

to determine a so-called final rate. In other words, a beginning rate such as we have here, is considered more or less as an interim rate until sufficient time has elapsed to accumulate the information necessary to make a rate study. A rate is not a permanent fixture in utility operation, but of necessity must be changed to meet changing conditions; however, it must be borne in mind that a beginning rate can be either increased or decreased, depending on the conditions, as neither the customers nor the utility should be penalized as a result of an original estimate.

Applicants have been informed as to the Commission's requirements regarding the Uniform System of Accounts to be maintained, the filing of annual reports, the Rules Regulating Gas Service promulgated by the Commission, and the procedure for the filing of rates, rules and regulations by the utility. In the interest of public health and safety, applicants shall be required to install suitable equipment to odorize all gas in their mains before sale to customers.

There are no other gas utilities operating in the area, and 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 granting of the authority sought.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the construction, installation, maintenance, and operation of a gas transmission and distribution system serving the area within the corporate limits of the Town of Rangely, and also the area included within twelve miles east, west, north and south of the limits of said Town, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the exercise by applicants, Henry Carnes and Bessie Walton, co-partners, doing business as "Rangely Gas Company," of the rights and privileges granted by the Board of Trustees of the Town of Rangely, in and by Ordinance No. 56, of August 7, 1950, attached to the application herein as Exhibit No. 1, which, by reference, is made a part hereof.


That applicants shall install and maintain suitable equipment to odorize all gas in their mains before sale to customers.

That at least 30 days before any gas is sold to customers of the Rangely Gas Company, applicants shall file with the Commission their rate schedules, rules and regulations under which they propose to operate.

That when gas service is instituted, applicants shall at that time set up their books and accounts in agreement with the Uniform Classification of Accounts for Gas Utilities, prescribed by the Commission and shall bring all practices as to meter testing, customers' deposits and operations, records of meters and complaints into compliance with the Commission's requirements.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Raymond C. Horton
John R. Barry
Joseph W. McEachern
Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1950.

ea

Original

(Decision No. 35541)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD J. FAHEY, 2160 ONEIDA STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PUC NO. 1996.)
-----)

APPLICATION NO. 10733-Extension
SUPPLEMENTAL ORDER

October 25, 1950

Appearances: Floyd J. Fahey, Denver, Colorado,
 pro se;
 A. J. Fregeau, Denver, Colorado,
 for Weicker Transfer and Stor-
 age Company;
 Harry A. Dalton, 2095 $\frac{1}{2}$ Fulton
 Street, Aurora, Colorado, pro se;
 Jake Schlagel, Jr., 1364 Havana
 Street, Aurora, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 35410, of date September 30, 1950, the above-
styled application was denied.

On October 16, 1950, applicant herein filed petition for re-
hearing.

The Commission has read and considered said petition for re-
hearing, and finds that no error was committed in denying said applica-
tion.

F I N D I N G S

THE COMMISSION FINDS:

That petition for rehearing filed by applicant herein should
be denied.


O R D E R

THE COMMISSION ORDERS:

That application for rehearing in the above-styled matter,
filed by applicant on October 16, 1950, 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



Francis C. Horton
John R. Barry
Charles W. Kessler
Commissioners

Dated at Denver, Colorado,
this 25th day of October, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. A. SMITH, 2805 HUMBOLDT STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-2460.)
-----)

APPLICATION NO. 10811-PP-Extension

October 25, 1950

Appearances: W. A. Smith, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks authority to extend operations under Permit No. B-2460 to include the right to transport brick, cinder blocks, cement blocks, and rock lath, between points within a radius of ten miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 19, 1950, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

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

It did not appear that the proposed extended operations of applicant will tend to impair the efficiency of the service of any common carrier operating in the territory sought to be served by applicant.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

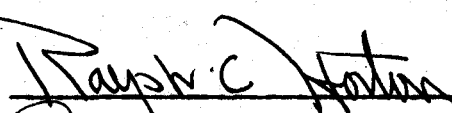
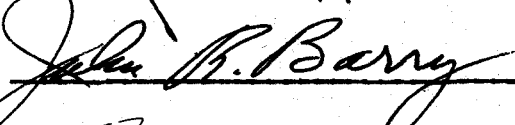

O R D E R

THE COMMISSION ORDERS:

That W. A. Smith, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-2460 to include the right to transport brick, cinder blocks, cement blocks, and rock lath, between points within a radius of ten miles of Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of October, 1950.

eh

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLEN H. OAKES, RECEIVER OF THE PROP-)
ERTY AND ASSETS OF C. J. MOBERLY)
AND HARRY E. MENINGER, DOING BUSI-)
NESS AS "SAN MIGUEL STAGES," IN)
RECEIVERSHIP, TO REINSTATE PERMIT)
NO. A-693.)
-----)

APPLICATION NO. 9222-PP

IN THE MATTER OF THE APPLICATION OF)
GLEN H. OAKES, RECEIVER OF THE PROP-)
ERTY AND ASSETS OF C. J. MOBERLY)
AND HARRY E. MENINGER, DOING BUSI-)
NESS AS "THE SAN MIGUEL STAGES,")
IN RECEIVERSHIP, AND CLAUDIA ZIEGER)
PERRY, FOR PERMISSION TO TRANSFER)
PERMIT NO. A-693.)
-----)

APPLICATION NO. 9265-PP-Transfer

SUPPLEMENTAL ORDER

October 25, 1950

Appearances: Charles A. Petrie, Esq.,
Montrose, Colorado, for
Glen H. Oakes, Receiver;
Jones and Stauffer, Esqs.,
Denver, Colorado, for
Claudia Zieger Perry;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
Joseph A. King, Grand Junction
Colorado, and
T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

By Decision No. 32400, the Commission denied Application
No. 9222-PP, and dismissed Application No. 9265-PP.

Subsequently, Petition for Rehearing was filed by Claudia
Zieger Perry, by her attorney, Marion F. Jones.

The Commission has reviewed the evidence adduced at the
hearing on said application, and has carefully considered Petition
for Rehearing filed herein, and each and every allegation thereof.

FINDINGS

THE COMMISSION FINDS:

That no error was committed in the entry of Decision No. 32400; that no useful purpose would be served by granting rehearing herein, and that said Petition for Rehearing should be denied.


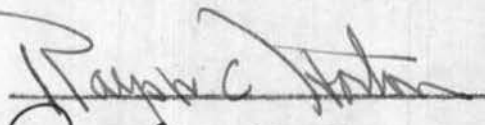
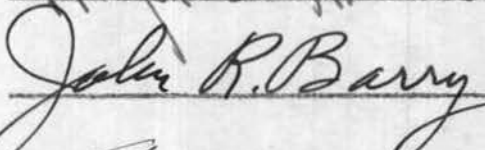

ORDER

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter filed by Claudia Zieger Perry, by her attorney, Marion F. Jones, 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 25th day of October, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

REMOTOR VEHICLE OPERATIONS OF)
HAROLD L. EAKINS)
4421 W. 35TH AVENUE)
DENVER 12, COLORADO)
-----)

PERMIT NO. B-2328

October 27, 1950

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-2328 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 Harold L. Eakins be, and he is hereby, authorized to suspend his operations under Permit No. B-2328 until May 1, 1951.

That unless said Harold L. Eakins 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 H. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado
this 27th day of October, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
VEVARELLE ESTY)
GUNNISON, COLORADO)
) PERMIT NO. C-23759
)
)
)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Vevarelle Esty.....
requesting that Permit No. C-23759.....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-23759....., heretofore issued to.....
Vevarelle Esty.....be,
and the same is hereby, declared cancelled effective September 17, 1950.

THE PUBLIC UTILITIES COMMISSION
~~OF THE STATE OF COLORADO~~

Ralph C. Norton

John L. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of Nobermber, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND PRODUCTS CO., INC.)
1200 RUST STREET)
SAGINAW, MICHIGAN) PERMIT NO. C-19354
)
)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Raymond Products Co., Inc.

requesting that Permit No. C-19354 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-19354, heretofore issued to.....
Raymond Products Co., Inc. be,
and the same is hereby, declared cancelled effective October 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DALE C. SMITH)
2505 E. GUNNISON)
COLORADO SPRINGS, COLORADO) PERMIT NO. C-21847
)
)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Dale C. Smith

requesting that Permit No. C-21847 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-21847, heretofore issued to
Dale C. Smith
----- be,
and the same is hereby, declared cancelled effective October 16, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELRED WELLS)
1518 GRAND AVE.,)
CANON CITY, COLORADO) PERMIT NO.C-23448
)
)
)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Elred Wells.....
requesting that Permit No. C-23448..... 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-23448....., heretofore issued to.....
Elred Wells..... be,
and the same is hereby, declared cancelled effective October 9, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray C. [Signature]

John [Signature]

Joseph W. [Signature]

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALVA T. BROOKS & DON D. FUERTE)
DBA WADSWORTH PRODUCE)
1004 WADSWORTH) PERMIT NO. C-23937
LAKEWOOD, COLORADO)
)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Alva T. Brooks & Don D. Fuerte.....
requesting that Permit No. C-23937.....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-23937....., heretofore issued to.....
Alva T. Brooks & Don D. Fuerte.....be,
and the same is hereby, declared cancelled effective September 21, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM E. PHILLIPS)
RT. 2)
MONTE VISTA, COLORADO) PERMIT NO. C-24491
)
)
)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
William E. Phillips
requesting that Permit No. C-24491 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-24491, heretofore issued to
William E. Phillips be,
and the same is hereby, declared cancelled effective September 22, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Berry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
NATIONAL TEA CO.)
1000 CROSBY STREET)
CHICAGO 10, ILLINOIS) PERMIT NO. C-24746
)
)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
National Tea Co.

requesting that Permit No. C-24746 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-24746, heretofore issued to
National Tea Co. be,
and the same is hereby, declared cancelled effective September 15, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELMER C. HELZER)
2630 SO. FEDERAL)
DENVER 10, COLORADO) PERMIT NO. C-24941
)
)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Elmer C. Helzer
requesting that Permit No. C-24941 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-24941, heretofore issued to
Elmer C. Helzer be,
and the same is hereby, declared cancelled effective October 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John H. Bessy
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950
eg

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
HITE P. GALUSHA)
3014 W. 38th AVE.)
DENVER 11, COLORADO) PERMIT NO. C-25035
)
)
)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Hite P. Galusha
requesting that Permit No. C-25035 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-25035, heretofore issued to
Hite P. Galusha be,
and the same is hereby, declared cancelled effective October 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. McIntosh

John F. Burg

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TOBY MARTINEZ (DECEASED))
804 SOUTH DENVER STREET)
TRINIDAD, COLORADO) PERMIT NO. C-25556
)
)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Toby Martinez (deceased)

requesting that Permit No. C-25556.....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-25556....., heretofore issued, to.....
Toby Martinez (deceased).....be,
and the same is hereby, declared cancelled effective October 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES H. OWENS)
La PORTE, COLORADO)
) PERMIT NO. C-25836
)
)
)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Charles H. Owens
.....
requesting that Permit No. C-25836 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-25836, heretofore issued to.....
Charles H. Owens.....be,
and the same is hereby, declared cancelled effective October 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Norton
John H. Berry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HEBER SMITH)
YAMPA, COLORADO)

PERMIT NO. C-25767

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Heber Smith

requesting that Permit No. C-25767 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-25767, heretofore issued to

Heber Smith

and the same is hereby, declared cancelled effective **October 26, 1950.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 1st day of November, 195⁰

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JERRY FABIANO)
4019 WYANDOTT)
DENVER 11, COLORADO) PERMIT NO. C-25376
)
)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Jerry Fabiano

requesting that Permit No. C-25376 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-25376, heretofore issued to
Jerry Fabiano
----- be,
and the same is hereby, declared cancelled effective October 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Oscar F. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
TRUETT JONES)
OLNEY SPRINGS, COLORADO)
) PERMIT NO. B-3745
)
)
)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Truett Jones
requesting that Permit No. B-3745 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-3745, heretofore issued to
Truett Jones be,
and the same is hereby, declared cancelled effective September 26, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Norton
Colman R. Berry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 1st day of November, 195 0

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BLONN N. SARPY & CECIL E. HAR-)
BAUGH DBA A & A FIXTURE COMPANY)
2537 WEST COLFAE,)
DENVER, 4, COLORADO)
-----)

PERMIT NO. B-4045

November 1, 1950

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-4045 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 Blonn N. Sarpy & Cecil E. Harbaugh be, and they are hereby, authorized to suspend their operations under Permit No. B-4045 until April 23, 1951.

That unless said Blonn N. Sarpy & Cecil E. Harbaugh 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

Raymond C. Hart
John H. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL & BOB BANNON)
1397 W. CEDAR)
DENVER, COLORADO) PERMIT NO. C-19892
)
)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from -----
Virgil & Bob Bannon -----
requesting that Permit No. C-19892 ----- 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-19892 -----, heretofore issued to -----
Virgil & Bob Bannon ----- be,
and the same is hereby, declared cancelled effective October 25, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE SUMNER DBA)
NELSON TRUCK LINE)
IDAHO SPRINGS, COLORADO) PERMIT NO.C-18469
)
)
)

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from -----
George Sumner

requesting that Permit No. C-18469 ----- 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-18469 -----, heretofore issued to -----
George Sumner ----- be,
and the same is hereby, declared cancelled effective October 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE A. SUMNER DBA NELSON)
TRUCK LINE)
IDAHO SPRINGS, COLORADO)
-----)

CERTIFICATE NO. 1758

November 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder, requesting that his PUC No. 1758 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 George A. Sumner be, and he is hereby, authorized to suspend his operations under PUC No. 1758 until April 23, 1951.

That unless said George A. Sumner shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance, and other wise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado
this 1st day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HERBERT A. PREUSS) PERMIT NO. B-497
KIRK, COLORADO)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

On May 1, 1950, the Commission authorized Herbert A. Preuss to suspend operations under his Permit No. B-497 until October 10, 1950.

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

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-497 should be, and the same hereby is, reinstated as of October 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 1st day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HERBERT A. PREUSS)
KIRK, COLORADO)
-----)

CERTIFICATE NO. 1597-I

November 1, 1950

S T A T E M E N T

By the Commission:

On May 1, 1950, the Commission authorized Herbert A. Preuss to suspend operations under his Certificate of public convenience and necessity until October 10, 1950.

The Commission is now in receipt of a communication from the above-named Certificate-holder, requesting that his certificate be reinstated.

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 Certificate PUC No. 1597-I should be, and the same hereby is, reinstated as of October 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston

John R. Barry

Joseph W. Newby

Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS ABRAHAMSON & FRED MAAG)
DBA A & M TRUCK CO.)
GEORGETOWN, COLORADO)
-----)

PERMIT NO. B-4052

November 1, 1950

S T A T E M E N T

By the Commission:

On September 5, 1950, the Commission authorized Thomas Abrahamson & Fred Maag to suspend operations under their Permit no. B-4052 until February 14, 1951.

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

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-4052 should be, and the same hereby is, reinstated as of October 26, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray C. Montant
John L. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado
this 1st day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK LO PRESTO, 130 EAST 4th)
STREET, WALSENBURG, COLORADO)
-----)

CASE NO. 51732-INS.
(Permit No. C-7485)

November 1, 1950

S T A T E M E N T

By the Commission:

On April 19, 1950, in Case No. 51732-Ins., the Commission entered an order revoking Permit No. C-7485, for failure to keep on file effective insurance.

Insurance was in effect, however, through neglect of the agent was not filed in time to stop the revocation of the permit. Proper filing has now been made and the insurance is in order without lapse.

F I N D I N G S

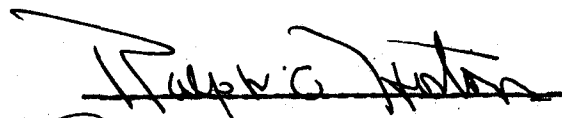
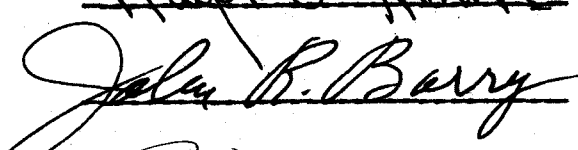
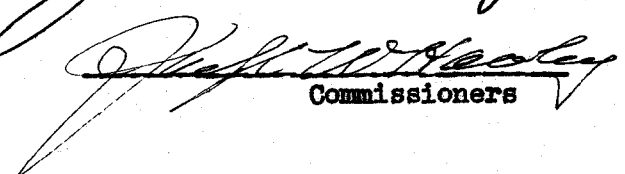
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 51732-Ins., should be cancelled and set aside, and said Permit No. C-7485 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 51732-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-7485 restored to its former status as of April 19, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY PAPPAS AND PAUL RAMSEY,)
DOING BUSINESS AS "PIONEER)
TRAILER SALES," 5601 NORTH)
FEDERAL BOULEVARD, DENVER,)
COLORADO)
-----)

CASE NO. 53676-INS
(Permit No. C-22030)

November 1, 1950

S T A T E M E N T

By the Commission:

On October 10, 1950, in Case No. 53676-Ins., the Commission entered an order revoking Permit No. C-22030, for failure to keep on file effective insurance.

Proper insurance filing has been 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

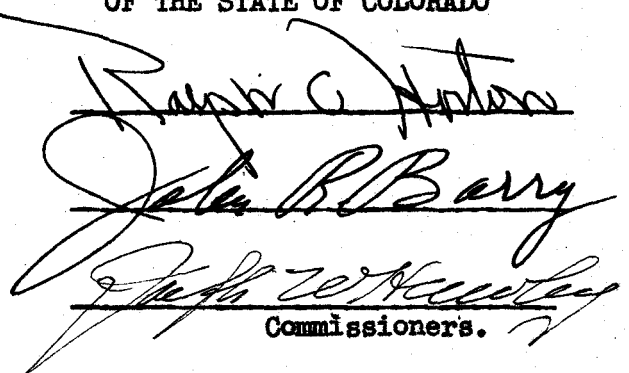
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53676-Ins., should be cancelled and set aside, and said Permit No. C-22030 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53676-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-22030 restored to its former status as of October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH A. MILLER, 907 CARSON)
AVENUE, LAS ANIMAS, COLORADO)
-----)

CASE NO. 53713-INS.
(Permit No. C-20075)

November 1, 1950

S T A T E M E N T

By the Commission:

On October 10, 1950, in Case No. 53713-Ins., the Commission entered an order revoking Permit No. C-20075, for failure to keep on file effective insurance.

Proper insurance was on file, but owing to a discrepancy in the name was not posted to the permit. Insurance filing is now in order and revocation order should be set aside.

F I N D I N G S

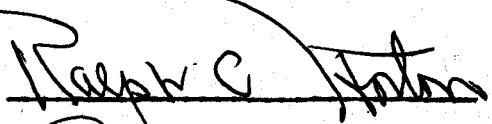
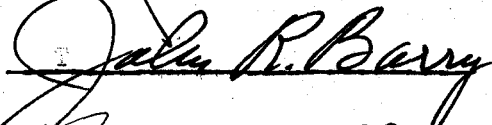
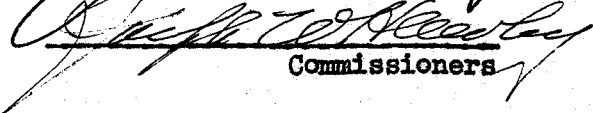
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53713-Ins., should be cancelled and set aside, and said Permit No. C-20075 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53713-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-20075 restored to its former status as of October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
LAWRENCE D. NELSON, 621 PETER-)	CASE NO. 53816-INS.
SON STREET, FORT COLLINS, COLO-)	(Permit No. C-16568)
RADO.)	
-----)	

November 1, 1950

S T A T E M E N T

By the Commission:

On October 10, 1950, in Case No. 53816-Ins., the Commission entered an order revoking Permit No. C-16568 for failure to keep on file effective insurance.

This permit was erroneously revoked as proper adjustments have now been made without any lapse of coverage, 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. 53816-Ins., should be cancelled and set aside, and said Permit No. C-16568 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53816-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-16568 restored to its former status as of October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Johnston
John R. Barry
Joseph W. McCarty
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
V. H. FETTE, McCOOK, NEBRASKA.) CASE NO. 53540-INS.
-----) (PUC No. 1409)

November 1, 1950

S T A T E M E N T

By the Commission:

On October 10, 1950, in Case No. 53540-Ins., the Commission entered an order revoking PUC No. 1409 for failure to keep on file effective insurance. The insurance is now on file and in order, and according to letter from the insurance agent, has been continuously in effect. Under the circumstances, order of revocation should be set aside.

F I N D I N G S

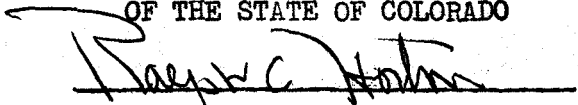
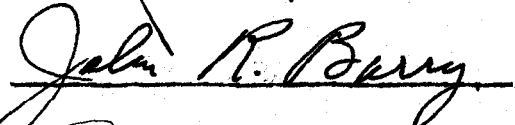

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53540-Ins., should be cancelled and set aside, and said PUC No. 1409 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53540-Ins., should be, and it hereby is, cancelled and set aside, and said PUC No. 1409 restored to its former status as of October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARLOS ESPINOZA, BLANCA,) PUC NO. 1152 & 1152-I.
COLORADO.)
-----)

November 1, 1950

S T A T E M E N T

By the Commission:

On April 17, 1950, the Commission authorized Carlos Espinoza, of Blanca, Colorado, to suspend operations under his Certificate of Public Convenience and Necessity No. 1152 and 1152-I until October 5, 1950.

The Commission is now in receipt of a communication from the above-named certificate-holder, requesting that his certificate be reinstated.

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 Certificate No. 1152 and 1152-I, of Carlos Espinoza, Blanca, Colorado, should be, and the same hereby is, reinstated as of July 14, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Horton
John R. Barry
Joseph W. Macleay
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAFAEL TRUJILLO)
GENERAL DELIVERY)
ANTONITO, COLORADO) PERMIT NO. C-22718
)
)
)

November 6, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Rafael Trujillo
.....
requesting that Permit No. C-22718..... 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-22718....., heretofore issued to.....
Rafael Trujillo..... be,
and the same is hereby, declared cancelled effective September 29, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hartman

John H. Boerj.

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID JAMES PHILLIPS & FLOYD H.)
STAFFORD)
1801 W. ASBURY)
DENVER 10, COLORADO)
-----)

PERMIT NO. C-25527

November 6, 1950

S T A T E M E N T

By the Commission:

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

David James Phillips & Floyd H. Stafford

requesting that Permit No. C-25527..... 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-25527....., heretofore issued to.....

David James Phillips & Floyd H. Stafford..... be,

and the same is hereby, declared cancelled effective October 26, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Rose C. Hartman

John L. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM W. SINGLETON DBA)
SINGLETON WHOLESALE CANDY CO.)
2411 SO MILWAUKEE) PERMIT NO. C-21980
DENVER 10, COLORADO)
-----)

November 6, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Tom W. Singleton.....
requesting that Permit No. C-21980..... 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-21980....., heretofore issued to.....
Tom W. Singleton..... be,
and the same is hereby, declared cancelled effective October 30, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Stanton

John L. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
SHERMAN R. HANSON)
BOX 83)
MT. MORRISON, COLORADO) PERMIT NO. B-4162
)
)
-----)

November 6, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Sherman R. Hanson-----
requesting that Permit No. B-4162-----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-4162-----, heretofore issued to-----
Sherman R. Hanson-----be,
and the same is hereby, declared cancelled effective October 16, 1950.

THE PUBLIC UTILITIES COMMISSION
~~OF THE STATE OF COLORADO~~

Ralph C. Norton

John L. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE H. WATSON, ESTES PARK, COLO-)
RADO, FOR AN EXTENSION OF PRIVATE) APPLICATION NO. 10813-PP-Extension.
CARRIER PERMIT NO. B-4228.)
-----)

November 1, 1950

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

The instant application was filed September 19, 1950, set for hearing, and heard, October 20, 1950, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and then taken under advisement.

Applicant is the owner of two permits from this Commission, being A-86 and B-4228. By the instant application, he is desirous of having Permit No. B-4228 extended, authorizing him to transport coal from mines of Imperial Coal Company at Erie, Colorado, to the steam plant of the Public Service Company at Valmont, and to the Great Western Sugar Company in northern Colorado.

William E. Brenner, Office Manager of Imperial Coal Company, testified in support of the application, and said that his company is desirous of using applicant's service.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application for extension should be granted.

O R D E R

THE COMMISSION ORDERS:

That George H. Watson, of Estes Park, Colorado, should be, and he hereby is, granted an extension to Permit No. B-4228, to include the

transportation of coal by motor vehicle for hire from and to points within a radius of 100 miles of Erie, 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 C. Horton
John R. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
CLEO L. AND MYRTLE B. STARKS, DOING)
BUSINESS AS "STARKS MOTOR TOURS,")
3440 WEST COLORADO AVENUE, COLORADO)
SPRINGS, COLORADO, TO LEASE WITH)
OPTION TO PURCHASE CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
NO. 101 TO COLBURN MOTOR TOURS, INC.,)
COLORADO SPRINGS, COLORADO.)
-----)

APPLICATION NO. 10814-Transfer.

November 1, 1950

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, for
Transferors;
Truman F. Stockton, Jr., Esq.,
Denver, Colorado, for
Transferee.

S T A T E M E N T

By the Commission:

The instant application to transfer PUC-101 to Colburn Motor Tours, Inc., Colorado Springs, Colorado, was filed September 25, 1950, set for hearing, and heard, October 20, 1950, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and taken under advisement.

The evidence disclosed that Cleo L. and Myrtle B. Starks, doing business as "Starks Motor Tours," of 3440 West Colorado Avenue, Colorado Springs, Colorado, have entered into a Lease and Option to Purchase Certificate of Public Convenience and Necessity No. 101, with Colburn Motor Tours, Inc., by K. B. Charlesworth, President of said company.

Cleo L. Starks is desirous of relinquishing the operation of PUC-101, due to ill health, and transferee is desirous of obtaining said certificate. The Lease and Option to Purchase was filed with the application.

We have gone over the agreement and the evidence and feel that the instant application for transfer is in the public interest. Transferor asked that the passenger-mile tax deposit be transferred to account of transferee.

FINDINGS

THE COMMISSION FINDS:

That the instant application should be granted.

ORDER

THE COMMISSION ORDERS:

That Cleo L. and Myrtle B. Starks, doing business as "Starks Motor Tours, 3440 West Colorado Avenue, Colorado Springs, Colorado, be, and they hereby are, authorized to lease with option to purchase, Certificate of Public Convenience and Necessity No. 101 to Colburn Motor Tours, Colorado Springs, Colorado, said authority being granted pursuant to and in accordance with a Lease and Option to Purchase Agreement entered into, by and between the parties, the terms and conditions of which are made a part hereof, by reference.

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.

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 the passenger-mile tax deposit of transferors shall be transferred and credited to account of transferee.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel C. Johnson

John R. Barry

James C. [illegible]
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. L. LANG, DOING BUSINESS AS "LANG)
TRANSIT LINE," LONGMONT, COLORADO,) APPLICATION NO. 10815-Extension.
FOR AN EXTENSION OF CERTIFICATE)
NO. PUC-913.)
-----)

November 1, 1950

Appearances: George C. Pomainville, Esq.,
Longmont, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

The instant application was filed April 22, 1950, set for hearing, and heard, October 20, 1950, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and taken under advisement.

The evidence disclosed that applicant is the holder of PUC-913, which authorizes the transportation of milk and cream to Denver, Colorado, from a territory in northern Colorado. He is also the holder -- through his wife -- of Permit No. A-793, which also authorizes the transportation of milk and cream from an area in northern Colorado to Denver.

Applicant is desirous of having a certificate of public convenience and necessity issued to him for a portion of the territory covered by Permit No. A-793, and having that portion of the territory covered by the certificate herein sought cancelled, thereby retaining only that portion of Permit No. A-793 which is not covered by the proposed certification herein in question.

The Commission is familiar with applicant's operation, his financial ability, his equipment, and his willingness to serve the public. The only thing about which we are concerned is that a proper description of the proposed authority, the authority to be cancelled, and the remaining authority, be set out in order that no future misunderstanding or confusion will result.

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

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 public convenience and necessity require the granting of a certificate of public convenience and necessity, on schedule, to Applicant W. L. Lang, doing business as "Lang Transit Line," Longmont, Colorado, for the transportation of milk and cream in the following described territory:

Beginning at the southwest corner of Section 36, Twp. 4 North, Range 70 West; thence east $4\frac{1}{2}$ miles to U. S. Highway 87-287; thence in a northerly direction along said highway to that point where said highway intersects U. S. Highway 34; thence in a westerly direction along said U. S. Highway 34, approximately 6 miles to that point where said highway intersects the west section line of Section 12, Twp. 5 North, Range 70 West; thence south approximately $10\frac{1}{2}$ miles to the point of beginning,

said transportation to be from this territory to Denver and a five mile radius thereof, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, and said authority shall become a part of PUC-913.

Permit No. A-793 is hereby ordered revoked, cancelled and held for naught insofar as it covers the territory in the certificate herein issued, and Permit No. A-793 shall be and read as follows henceforth:

Transportation of milk to Denver and points within a five-mile radius thereof, from the following described territory: Beginning at the southeast corner of Section 11, Twp. 5 North, Range 69 West; thence north on U. S. Highway 87-287 two miles to the northeast corner of Section 2, Twp. 5 North, Range 69 West; thence west 5 miles to the northwest corner of Section 6, Twp. 5 North, Range 69 West; thence south approximately $1\frac{1}{2}$ miles to a point where U. S. Highway 34 intersects the west section line of Section 7, Twp. 5 North, Range 69 West; thence in an easterly direction along U. S. Highway 34 approximately 5 miles to the point of beginning. And in addition, the transportation of milk from a route running approximately 5 miles east from Longmont; thence five miles south; thence west to pavement; thence to Denver via U. S. Highway 87-287.

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 forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton

John R. Barry

Joseph C. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEGER N. KNAPP)
320 SOUTH RALEIGH ST)
DENVER 9, COLORADO) PERMIT NO. C-24455
)
)
-----)

November 6, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Leger N. Knapp.....
requesting that Permit No. C-24455..... 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-24455....., heretofore issued to.....
Leger N. Knapp..... be,
and the same is hereby, declared cancelled effective October 31, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John E. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
ADOLPH MORGAN)
810 EAST 25th AVENUE)
DENVER 5, COLORADO) PERMIT NO. C-25640
)
)
-----)

November 6, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Adolph Morgan

requesting that Permit No. C-25640 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-25640, heretofore issued to
Adolph Morgan
-----be,
and the same is hereby, declared cancelled effective October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Venton

John H. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES A. SCHAEFFER DBA)
SCHAEFFER TRUCK LINE)
1420 MARKET STREET) PERMIT NO. C-13185
DENVER 2, COLORADO)
)

November 6, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
James A. Schaeffer

requesting that Permit No. C-13185 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-13185, heretofore issued to _____
James A. Schaeffer _____ be,
and the same is hereby, declared cancelled effective August 30, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. McIntire

John E. Berg

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950
eh

Original

(Decision No. 35582)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AMERICAN CAB, INC., (AERO CAB) 1731)
TREMONT PLACE, DENVER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

APPLICATION NO. 10325
SUPPLEMENTAL ORDER

November 1, 1950

Appearances: Donald B. Robertson, Esq.,
Denver, Colorado, for
applicant;
J. G. Hodges, Esq., Denver,
Colorado, for Rocky
Mountain Motor Company;
Gregory A. Mueller, Esq.,
Denver, Colorado, for
Cabs, Inc.;
Robert S. Mitchell, Esq.,
Denver, Colorado, for
Publix Cab Company.

S T A T E M E N T

By the Commission:

By Decision No. 35449, of date October 3, 1950, the Commission denied the above-styled application.

On October 23, 1950, "Petition for Rehearing" was filed by Donald B. Robertson, Esq., in behalf of applicant.

The Commission has read and considered each and every alleged assignment of error, and is of the opinion, and finds, that no error was committed in denying said application.

F I N D I N G S

THE COMMISSION FINDS:

That no error was committed in the entry of its Decision No. 35449; that no useful purpose would be served by granting rehearing herein, and that said application for rehearing should be denied.

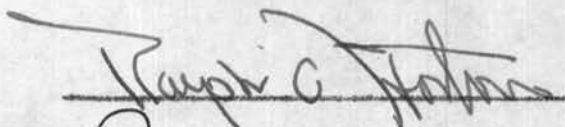
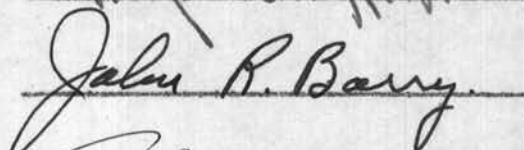

O R D E R

THE COMMISSION ORDERS:

That application for rehearing in the above-styled matter,
filed by Donald B. Robertson, in behalf of applicant herein, 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




Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1950.

eh

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE ATCHISON, TOPEKA AND SANTA)
FE RAILWAY COMPANY FOR INSTALLA-)
TION OF GRADE CROSSING PROTECTION)
DEVICES AT THE CROSSINGS OF LINDEN)
AVENUE, COMMERCIAL STREET AND)
NEVADA AVENUE IN TRINIDAD, LAS)
ANIMAS COUNTY, COLORADO.)
-----)

APPLICATION NO. 10700

November 2, 1950

Appearances: Grant, Shafroth & Toll, Denver, Colorado,
by Douglas McHendrie, for applicant
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

On July 25, 1950, The Atchison, Topeka & Santa Fe Railway Company, by its attorneys, filed an application with the Commission seeking authority to install automatic signal protection devices at three existing highway grade crossings over its tracks at Linden Avenue, Commercial Street and Nevada Avenue, all in the City of Trinidad, Las Animas County, Colorado.

The matter, after due notice to interested parties, was set for hearing on Monday, October 23, 1950, 10 o'clock a. m. in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and was there heard by the Commission and taken under advisement.

The purpose of the instant application is to provide automatic signal protection at three existing grade crossings by improving the protection at said crossings, thereby decreasing the potential accident hazard to the public.

The first of the crossings is located at Linden Avenue and the Santa Fe tracks and is protected by a watchman on duty from 7:00 a. m. to 11:00 p. m. each day. The proposal herein is to substitute two automatic flashing light signals at this crossing that will operate full time as needed in lieu of said watchman. At this crossing there are 13 tracks, two of which are main line for east and west bound trains. The other tracks are

switching tracks in connection with the freight yards located at this point. The Santa Fe has an agreement with the City of Trinidad to keep the watchman on duty at this crossing for a period of time after the automatic signals are installed to instruct vehicular traffic in the use of said signals. Due to the proximity of both the passenger and freight depots to this crossing, train movements over said crossing are at reduced speed in preparation for stopping, switching or because of trains just starting from or leaving said depots.

The second crossing is at Commercial Street and the Santa Fe tracks. A watchman is also on duty at this crossing daily from 7:00 a. m. to 11:00 p. m. It is proposed to install one automatic flasher signal and two automatic short-arm gates at this crossing in place of the watchman. There are three tracks at this location, two being main line for east and west bound trains, the third being an auxiliary track. Commercial Street is also U. S. Highway 85-87 and is a very heavily traveled thoroughfare. This crossing is located about 300 feet east of the passenger depot and about 400 feet west of the freight depot of applicant and as a result, as outlined before, the train traffic is necessarily slow.

The third crossing is at Nevada Avenue and the Santa Fe and Denver & Rio Grande Western Railroad tracks. This crossing now has one automatic wigway signal. It is proposed herein to substitute three automatic flashing light signals at this crossing in place of the one wigway. Three signals are considered necessary at this crossing because of the intersection of College Street that gives vehicles access to the crossing approach from the west. There are three Santa Fe tracks and one Denver & Rio Grande track and the proposed automatic signals will signal the approach of a train on any of the tracks located at this crossing. The Denver & Rio Grande Western Railroad has agreed in writing to participate in the installation of the signals at this crossing as outlined in letters between H. A. Appleby, Signal Engineer, Atchison, Topeka and Santa Fe Railway Company, dated August 14, 1950, and B. W. Molis, Signal Engineer, Denver & Rio Grande Western Railroad Company, dated September 6, 1950. Photostatic copies of the above letters were filed in the instant proceed-

ings and are made a part of this Statement by reference. This crossing is about 600 feet west of the passenger depot and the train speed is Slow for the reasons outlined previously.

Applicant stated that no grade separation at these crossings was contemplated at this time or in the foreseeable future because of the nearness of the Purgatory River and the difficulty involved in a separation as the result of the river location. The estimated cost of the project was given as about \$41,469, to be borne by the Santa Fe, with the exception of the letter agreements previously referred to relative to the Nevada Avenue Crossing.

All the work to be done and the type of equipment used shall be in conformance with the Commission's requirements and as prescribed by the American Association of Railroads, Joint Committee on Railroad Protection, as adopted by this Commission.

The City of Trinidad and the State Highway Department have both stated in writing that they have no objection to the installation of the signal devices as proposed by applicant. No one appeared at the hearing 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 construction, establishment, maintenance and operation of the automatic signal protection devices at the crossings described in the foregoing Statement.

O R D E R

THE COMMISSION ORDERS:

That applicant, The Atchison, Topeka & Santa Fe Railway Company be, and it hereby is, authorized to construct, establish, maintain and operate the automatic signal protection devices as located and described in the preceding Statement, said Statement, by reference, being made a part hereof, and that this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


That all work to be done and all automatic signal protection devices installed shall be in conformance with the Bulletin of the American Association of Railroads, Joint Committee on Railroad Protection, as

adopted by this Commission.

That applicant shall bear the full cost of the automatic signal devices and the installation thereof with the exception of that portion of the Nevada Avenue crossing pertaining to the Denver & Rio Grande Western Railroad track covered in letters of agreement between The Atchison, Topeka & Santa Fe Railway Company and the Denver & Rio Grande Western Railroad Company dated August 14, 1950, and September 6, 1950, said letters, by reference, being made a part of this order.

That this order shall become effective 20 days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Holton
John R. Barry
Joseph H. McKeown
Commissioners

Dated in Denver, Colorado,
this 2nd day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE SOUTHERN COLORADO POWER COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO EXERCISE) APPLICATION NO. 10760.
FRANCHISE RIGHTS IN THE TOWN OF)
FOWLER, OTERO COUNTY, COLORADO,)
AND CONTIGUOUS TERRITORY.)
-----)

November 2, 1950

Appearances: J. W. Preston, Esq., of
Devine and Preston,
Pueblo, Colorado, for
applicant;
J. M. McNulty, Denver,
Colorado, for the
Commission.

S T A T E M E N T

By the Commission:

On September 8, 1950, the Southern Colorado Power Company, by W. N. Clark, President, filed an application with the Commission seeking a certificate of public convenience and necessity to exercise franchise rights under a franchise to be granted by the Board of Trustees of the Town of Fowler, in Otero County, Colorado, and for authority under said certificate to serve the territory contiguous to said Town of Fowler.

The matter was set for hearing on Monday, October 23, 1950, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, after due notice to all interested parties, and was there heard and taken under advisement by the Commission.

At the hearing, applicant amended its application to petition for a certificate of public convenience and necessity to exercise franchise rights under a franchise already granted to it by the Town of Fowler. Since the filing of the instant application, the franchise ordinance that was pending was passed by the Board of Trustees on October 3, 1950.

Applicant is a Colorado corporation, authorized to do business as a public utility in the State of Colorado, and its Articles of Incorporation are on file with the Commission, in Application No. 3691. Its principal office and post office address is Pueblo, Colorado. Southern Colorado Power Company has been serving the Town of Fowler and surrounding territory under a certificate previously issued by this Commission in Application No. 3535, Decision No. 8555, dated October 17, 1936. The exercise of franchise rights granted applicant under the above certificate had approximately one more year to run, but these rights have been superseded by the new franchise granted in Ordinance No. 177 of October 3, 1950, being the franchise considered in the instant matter.

Ordinance No. 177 is an ordinance granting to Southern Colorado Power Company, its successors and assigns, the right, privilege and franchise to construct, erect, build, own, operate and maintain within the Town of Fowler such mechanical, electric or other appliances, plant and apparatus as may be necessary for the generation, transmission, transforming or distribution of electricity for illuminating, power and heating purposes, and any other purposes to which same may be applicable with certain rights and privileges and imposing certain terms and conditions therefor.

The above franchise is for a period of 25 years, and a copy of said franchise, proof of publication and formal acceptance by applicant are all on file with the Commission as part of the records and files herein.

The Southern Colorado Power Company is now serving approximately 499 customers in the Town of Fowler and about 86 customers in the fringe area around said town. No other public utility is serving in the Town of Fowler or in the area contiguous to said town. No one appeared at the hearing in opposition to the granting of the authority sought, and it appears from the record and the testimony that the public convenience and necessity require the granting of the authority sought.

The evidence further disclosed that applicant now has a capital investment of about \$149,479.08 in the Town of Fowler and contiguous territory. The files in Application No. 3535 disclose that applicant had invested capital in the same area in the amount of \$100,000.00 when the certificate was issued in Application No. 3535. The fee for issuance at that time was based on \$100,000.00, and since applicant has increased its investment in the area by about \$50,000.00, the fee for issuance herein is based on \$50,000.00. The figures quoted are used only as the basis for fixing of the issuance fee and shall not be binding on the Commission in any subsequent investigation where valuation may be an issue.

FINDINGS

THE COMMISSION FINDS:

That the authority sought should be granted.

ORDER


THE COMMISSION ORDERS:

That public convenience and necessity require the exercise by the Southern Colorado Power Company of franchise rights granted to it by the Board of Trustees of the Town of Fowler, Colorado, in and by Ordinance No. 177, dated October 3, 1950, and also the right to serve in the territory contiguous to said town, 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 electrical 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. Johnson

John R. Barry

Joseph C. Wheeler
Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BILL VAN WEY)
3410 OSCEOLA STREET)
DENVER, COLORADO)
-----)

PERMIT NO. B-3649

November 6, 1950

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-3649 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 Bill Van Wey be, and he is hereby, authorized to suspend his operations under Permit No. B-3649 until April 30, 1951.

That unless said Bill Van Wey 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 L. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado
this 6th day of November, 1950.

eh

Original

(Decision No. 35586)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TOM H. ENNIS, ROUTE 1, MONTROSE,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 10818

November 3, 1950

Appearances: Charles A. Petrie, Esq., Montrose,
Colorado, for applicant;
Eugene H. Mast, Esq., Grand Junction,
Colorado, for Litton Warehouse Company;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
T. L. Brooks, Esq., Montrose, Colorado,
for West End Freight Line;
Fairlamb and Fairlamb, Esqs.,
Telluride, Colorado, for Parkinson
Transfer & Transportation Company;
Pierpont Fuller, Esq., Denver,
Colorado, for Rio Grande Southern
Railroad Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

Said application was set for hearing at the Court House, Montrose, Colorado, October 25, 1950, at ten o'clock A. M.

At the time and place designated for hearing, applicant, by his attorney, stated that he was not prepared for hearing to be had on his application, due to the fact that he had been unable to obtain witnesses desired, and requested that said hearing be vacated and his application again set for hearing at a later date convenient to the Commission.

No one objected to the granting of said request.

F I N D I N G S

THE COMMISSION FINDS:

That request of applicant that the instant application be set for hearing at a later date should be granted.


O R D E R

THE COMMISSION ORDERS:

That hearing in the above-styled application be, and the same hereby is, vacated, said application to be set for hearing at a later date convenient to the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Holman
John R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado
this 3rd day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. P. SUTHERLAND, NATURITA, COLO-)
RADO, FOR AN EXTENSION OF PERMIT NO.) APPLICATION NO. 10817-PP-Extension
B-4158.)
-----)

November 3, 1950

Appearances: J. P. Sutherland, Naturita,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks authority to extend operations under Permit No. B-4158 to include the right to transport coal from Liberty Bell Coal Mine, two miles west of Nucla, Colorado, to Uravan, Colorado, a distance of fifteen miles on public highways, covering a total of seventeen miles.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Montrose, Colorado, October 25, 1950, and at the conclusion of the hearing, the matter was taken under advisement.

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

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

It did not appear that the proposed extended motor vehicle service of applicant will tend to impair the efficiency of any motor vehicle common carrier with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be granted.

O R D E R

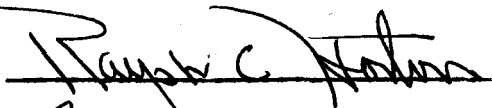
THE COMMISSION ORDERS:

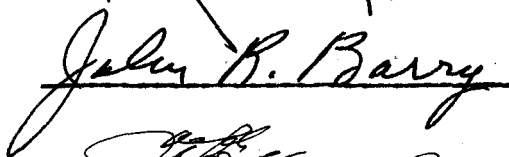
That J. P. Sutherland, Naturita, Colorado, should be, and he

hereby is, authorized to extend operations under Permit No. B-4158 to include the right to transport coal from Liberty Bell Coal Mine, two miles west of Nucla, Colorado, to Uravan, Colorado, a distance of fifteen miles on public highways, covering a total of seventeen miles.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. J. SCHULER AND WILLIAM L. NARDIN)
DOING BUSINESS AS "TELLURIDE TRANS-)
FER COMPANY," TELLURIDE, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PUC NO. 60.)
-----)

APPLICATION NO. 10819-Extension

November 3rd, 1950

Appearances: Charles Fairlamb, Esq., Telluride,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

On August 24, 1950, applicants herein filed application for authority to extend their operations under PUC No. 60 in the Telluride area, to include the following: transportation, on schedule, of passengers, together with their baggage, and express, between Telluride, Colorado, and Placerville, Colorado.

Said application was set for hearing at the Court House, Montrose, Colorado, on October 25, 1950.

When the application was called for hearing, attorney for applicants moved that the setting be vacated, for the reason that applicants had not fully covered the service they desire to render in the Telluride area, and asked further leave to amend the petition to cover this service.

No objection was made to the motion, and it appears to the Commission that said motion should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That said hearing should be vacated, and that applicants should be given an opportunity to amend their petition.

O R D E R

THE COMMISSION ORDERS:

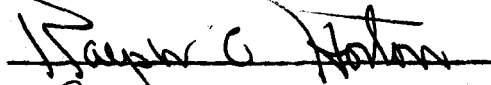
That hearing in the above-styled matter be, and the same hereby is, vacated.

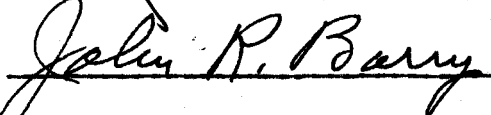
That applicants are hereby permitted to file an amended application.

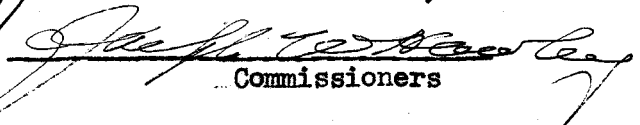
That said amended application should be set for hearing at some future date convenient to the Commission, with notice to all parties in interest.

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 3rd day of November, 1950.

eh

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE CLOSING BY)	
THE CHICAGO, ROCK ISLAND AND)	
PACIFIC RAILROAD COMPANY OF ITS)	APPLICATION NO. 10795.
RAMAH STATION IN EL PASO COUNTY,)	
COLORADO, AS A CUSTODIAN STATION.)	
-----)	

At a General Session of The
Public Utilities Commission
of the State of Colorado, held
at its offices in Denver, Colo-
rado, November 3rd, 1950.

INVESTIGATION AND SUSPENSION DOCKET NO. 319.

On October 3, 1950, the Chicago, Rock Island and Pacific Railroad Company, by its attorneys, Hodges, Vidal and Goree, filed its petition under the Commission's General Order No. 34, proposing to discontinue, effective on November 15, 1950, the custodian station of said Chicago, Rock Island and Pacific Railroad Company in the Town of Ramah, El Paso County, Colorado.

As stated by the petition, said station has been operated by a custodian from December 15, 1937, to the present time; that the business handled by petitioner at Ramah has been steadily declining in recent years; that the business at said Ramah station consists mostly of carload shipments; that there is a very negligible amount of less-than-carload freight handled at Ramah. It is further stated that the business at said Ramah Station is largely seasonal, and there are periods during the year when practically no business moves either in or out of said station; also that the business of said station can be handled at Simla, distant East approximately four and eight-tenths (4.8) miles from Ramah.

According to the applicant, the cost of operating and maintain-
ing said custodian station at Ramah is not justified by the business
there transacted or by the revenue received therefrom; that the continued
maintenance of the custodian at said Ramah station will be unnecessary,

unreasonable and wasteful. It is further presented that the discontinuance of said Ramah station is in the interest of efficient and economical management and operation of said railroad company in the State of Colorado, and as such should be approved and allowed by the Commission, since the public convenience and necessity no longer demand the continuation of a custodian at said station.

The intention of the application having become known to interested parties, the Commission received a complaint from the Mayor and fourteen (14) residents of the Town of Ramah, protesting the closing of said station.

It appears that the effective date of the proposed discontinuance of the custodian station at Ramah, Colorado, might injuriously affect the rights and interests of the community and parties involved, and it is necessary to suspend the effective date of the discontinuance of said custodian station. The application and files in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 319 on the Commission's docket.

FINDINGS

THE COMMISSION FINDS:

That the discontinuance of the custodian station of the Chicago, Rock Island & Pacific Railroad Company, at Ramah, Colorado, should be suspended and an investigation had in the matter.

ORDER

THE COMMISSION ORDERS:

That the effective date of the proposed discontinuance of the custodian station of the Chicago, Rock Island & Pacific Railroad Company at Ramah, El Paso County, Colorado, be, and it hereby is, suspended for a period of one hundred and twenty (120) days from November 15, 1950, or until March 15, 1951, unless otherwise ordered.

That the matter of the proposed discontinuance of the custodian station at Ramah, Colorado, 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.

That Application No. 10795 originally assigned to the instant proceedings be, and it hereby is, closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 319.

That a copy of this order be filed with Application No. 10795 and with Investigation and Suspension Docket No. 319, and copies served on Hodges, Vidal and Goree, 947 Equitable Building, Denver, Colorado, attorneys for the Chicago, Rock Island & Pacific Railroad Company, and on C. W. Pfleeger, Councilman, and M. A. Wofford, Mayor of Ramah, Colorado, representing the Town and the thirteen other signers of the complaint.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Jeff W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE HIGHWAY DEPARTMENT OF COLO-)
RADO FOR AUTHORITY TO CONSTRUCT RAIL-)
ROAD GRADE CROSSINGS FOR FRONTAGE)
ROADWAYS ON STATE HIGHWAY NO. 185,) APPLICATION NO. 10762.
ADAMS COUNTY, COLORADO, IN THE NE $\frac{1}{4}$)
AND NW $\frac{1}{4}$ OF SECTION 15, T. 3 S., R. 68 W.,)
OVER TRACKS AND RIGHT OF WAY OF THE)
JERSEY CUTOFF BRANCH OF THE COLORADO)
AND SOUTHERN RAILWAY COMPANY AT MILE)
POST 1.67 AND MILE POST 1.71.)
-----)

November 3, 1950

Appearances: Adolph Zulian, Roadway Plans
Engineer, Colorado State Highway
Department, Denver, Colorado,
for applicant;
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The State Highway Department of Colorado, by Mark U. Watrous, State Highway Engineer, filed an application with this Commission on September 8, 1950, asking for authority to construct highway crossings at grade for two frontage roadways on State Highway No. 185 in Adams County, Colorado, in the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 15, Twp. 3 South, Range 68 West, over the tracks and right-of-way of the Jersey Cutoff Branch of The Colorado & Southern Railway Company at Mile Post 1.67 and Mile Post 1.71.

The Commission notified all interested parties of the proposed grade crossing application, including all adjacent property owners, asking if there were any objections to the crossings as proposed. No one replied in opposition to the granting of the authority sought.

The matter was set for hearing on Monday, October 23, 1950, at ten o'clock, A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and was there heard and taken under advisement.

Applicant, by Decisions Nos. 34829 and 35480, in Application No. 10506, obtained authority from this Commission to construct a crossing on U. S. Highway No. 185 at Mile Post 1.698 at grade over the Jersey Cutoff Branch of The Colorado & Southern Railway Company. The purpose of the instant application is to provide two additional grade crossings over the Colorado & Southern Railway for frontage roads parallel to and adjoining said U. S. Highway No. 185, on the east and west for the use of local traffic. U. S. Highway No. 185 north of Denver is being relocated to connect with the northern terminus of the Denver Valley Highway. The purpose of the frontage roads is to eliminate the necessity of local traffic crossing or using the relocated highway which will be a freeway for through traffic. The frontage roads will provide access to local industries and residences and are necessary for the public safety, convenience and necessity.

The new crossings are to be protected with flashing light signals and bells, together with advance warning signs. It is believed and so stated by applicant, that the crossing protection proposed herein is adequate for these crossings. The volume of local traffic is small, and should this traffic increase in the future, the proposed protection will still be ample to care for the public safety.

The crossings are to be of light plank construction and will be built and installed in accordance with this Commission's specifications for grade crossing installations. The automatic signal protective devices and advance warning signs will also be installed in conformance with the Bulletin of the Association of American Railroads, Joint Committee on Railroad Protection, as adopted by this Commission.

A copy of an Agreement between The Colorado & Southern Railway Company and the Colorado State Highway Department, dated August 16, 1950, relating to Highway-Railroad Grade Crossings and Highway-Railroad Grade Crossing Protection Devices for Frontage Roadways was introduced at the hearing as Exhibit No. 1. The Colorado & Southern Railway Company has stated in writing to the Commission that they have no objection to the granting of the authority sought in this application, provided the crossings

are established, managed and operated in accordance with and upon the terms and conditions stated in said agreement. The Commission will approve said agreement with the proviso that the installation of the "Advance Warning Signs" and the automatic signal protective devices shall be installed according to the Commission's specifications as outlined previously.

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 state highway frontage road crossings at grade over the right-of-way and tracks of The Colorado & Southern Railway Company at the locations described in the foregoing Statement.

O R D E R

THE COMMISSION ORDERS:

That applicant, the State Highway Department of Colorado, be, and it hereby is, authorized to construct, establish, maintain and operate frontage road highway crossings at grade as follows:

In the NE $\frac{1}{4}$ of Sec. 15, T. 3 S., R. 68 W., at M. P. 1.67 and in the NW $\frac{1}{4}$ of Sec. 15, T. 3 S., R. 68 W., at M. P. 1.71 over the tracks and right-of-way of the Jersey Cutoff Branch of The Colorado & Southern Railway Company.

That work to be done, maintenance, provisions and method of payment for the work shall be in accordance with the agreement between the Colorado State Highway Department and The Colorado & Southern Railway Company, marked as Exhibit 1 in the instant proceedings, and as modified by the proviso outlined in the preceding Statement, said Statement and Exhibit No. 1, by reference, being made a part hereof.

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. Kealey
Commissioners. 2

Dated at Denver, Colorado,
this 3rd day of November, 1950.

ea

Original

(Decision No. 35591)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. C. THOMAS, DOING BUSINESS AS)
"THOMAS TRUCKING COMPANY," TELLU-)
RIDE, COLORADO, FOR AN EXTENSION OF)
PUC NO. 1101.)
-----)

APPLICATION NO. 10821-Extension

November 3, 1950

Appearances: Robert F. Carr, Esq., Denver,
Colorado, for applicant;
Fairlamb and Fairlamb, Esq.,.,
Telluride, Colorado, for
Telluride Transfer Company;
Pierpont Fuller, Esq., Denver,
Colorado, for Rio Grande
Southern Railroad Company;
T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled application was duly set for hearing at the
Court House, Montrose, Colorado, October 25, 1950.

When said application was called for hearing, applicant's attorney
stated that he had not been able to properly prepare for hearing on said applica-
tion, due to the recent death of his father, and requested that said hearing
be vacated, and his application later set for hearing at some future date
convenient to the Commission.

No objections were interposed to the granting of said request.

F I N D I N G S

THE COMMISSION FINDS:

That hearing in the above-styled application should be vacated,
said matter to be later set for hearing.

O R D E R


THE COMMISSION ORDERS:

That hearing in the above-styled application should be, and
the same hereby is, vacated, said application to be again set for hearing

at a later date convenient to the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph O. Johnston
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEE JOHNSON, RIFLE, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 10828-PP

November 3, 1950

Appearances: Allyn Cole, Esq., Glenwood Springs,
Colorado, for applicant;
Robert Delaney, Esq., Glenwood
Springs, Colorado, for Daryl
Hinkle, Wayne Kutz, John Haskell,
Eldon Wallace, Richard Estes,
Ralph A. Earnest.

S T A T E M E N T

By the Commission:

On July 26, 1950, Lee Johnson, of Rifle, Colorado, applicant herein, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of timber and pulp wood from various national forests on the Western Slope of Colorado, to rail loading points on the Western Slope, for Consolidated Water Power and Paper Company, Wisconsin Rapids, Wisconsin, only, for shipment to Wisconsin, only.

Said application was regularly set for hearing, and heard, at the Court House, Glenwood Springs, Colorado, October 27, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has had thirteen years experience in the trucking business, and is the owner of five pieces of equipment, including a loader for logs, in which applicant has an investment of approximately \$5500.00.

Applicant also testified that he had a bull-dozer available to build roads in the forest areas.

It appears that some four years ago, the Consolidated Water Power and Paper Company came into the Rifle area and purchased a large timbered tract; that after its purchase of this tract, it immediately proceeded to ship logs to Wisconsin for the making of pulp. It seems that said company desires to ship 7500 cords per year, and that it determined, due to climatic conditions, said company could only operate one hundred days per year. It therefore becomes necessary for the Consolidated Water Power and Paper Company to secure a carrier who could transport 750 cords per day.

Ralph Ellington, Manager of the Consolidated Water Power and Paper Company, testified that three years ago he came in as General Manager of the above company, and inquired in the Rifle area as to carriers who could take care of this haul; that he investigated and found that applicant was the only person who had suitable equipment; that he contacted him and asked him what his price would be for the transportation of timber; that he also inquired of other carriers in the neighborhood; that applicant, during the two years of his operation, operated under a lease agreement with a common carrier situated in the area.

Applicant now asks that he be permitted to serve this client in his own right, and it appears that applicant is financially able, and has suitable equipment to take care of his customer's needs.

The customer appeared and testified that he needed applicant's proposed service, and that he did not feel that any other carrier in the area could adequately take care of his company's needs; that the service to be rendered was one in which special equipment was used, and he knew of no carrier possessing such equipment.

Mr. Ellington stated that he did not feel that common carrier service was adequate to take care of his needs, and for that reason he had asked applicant to file the instant application.

Several common carriers appeared protesting the granting of the authority sought, among whom was Richard H. Estes, who holds PUC No. 1971. Mr. Estes testified that he was principally interested in hauling livestock, but that he had a certificate which authorized transportation of general commodities, and that for periods during the year, his equipment was not

busy, and any supplemental business upon which he could make a profit would be desirable. On cross-examination, he stated that he had not hauled any timber for the Consolidated Water Power and Paper Company, but that he thought it was desirable business, and due to the fact that he had a certificate, he thought he should be given a "turn-down" of the business. He stated further that he did not know what price he would have to charge for making this haul.

Donald J. Pretti, of Silt, Colorado, who holds PUC No. 1238, also vigorously protested the granting of the application, stating that he had one piece of equipment which he was unable to keep busy at all times. He also felt that the common carrier should be given an opportunity to turn down the business before any private carrier authority should be granted.

In reviewing the evidence, the Commission has failed to find any evidence in the record showing that the granting of the instant application would impair the efficiency of any of the common carriers here protesting. The Legislature, in determining the transportation policies for for-hire carriers in Colorado divided the carriers into two groups—first, private or contract carriers; second, common carriers. The statutes of the State of Colorado provide:

"No application for authority to operate as a private carrier by motor vehicle in the intrastate commerce or for authority to extend or enlarge an existing permit will be granted as a matter of course, nor will any such application be granted if the Commission shall be of the opinion, after hearing, that the proposed operation 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."

After reviewing the statute, it appears to the Commission that applicant should be granted the permit, for the reason that the evidence discloses that he is qualified, and that his customer desires his service. In fact, the customer appeared before this Commission and testified that he needs applicant's proposed service, while on the other hand, protestants failed to show that the granting of this permit would in any way impair the efficiency of their present operations.

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 Lee Johnson, Rifle, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber and pulp wood from various National Forests on the Western Slope of Colorado, to rail loading points on the Western Slope, for Consolidated Water Power and Paper Company, Wisconsin Rapids, Wisconsin, only.

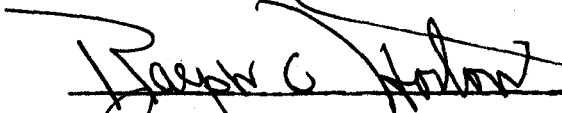
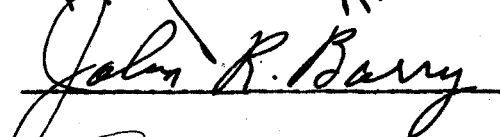
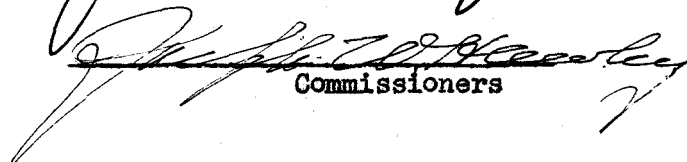
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 3rd day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED L. BRANSTETTER, 631 HIGHLAND,)
BOULDER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 10835-PP

November 6, 1950

Appearances: Fred L. Branstetter, Boulder,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from northern Colorado coal fields to Boulder, Colorado, and to Valmont Plant of Public Service Company, near Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, November 1, 1950, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant stated that his net worth is \$10,000.00; that he is the owner of a 1947 two-ton truck with which he proposes to conduct his operation.

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

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

It did not appear that the proposed operation of applicant will tend to impair the efficiency of the service of any common carrier now serving said area.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Fred L. Branstetter, Boulder, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Boulder, Colorado, and to Valmont Plant of Public Service Company, near Boulder, Colorado

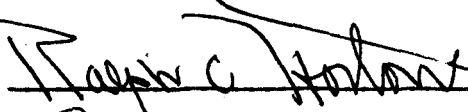
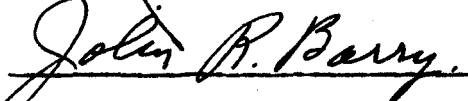

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 6th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. MARION JOHNSON, ERIE, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-3876.)
-----)

APPLICATION NO. 10834-PP-Extension

November 7, 1950

Appearances: F. Marion Johnson, Erie, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-3876 to include the right to transport coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado; to schools at Lafayette, Colorado; to Plants of Great Western Sugar Company and Kurer-Empson Company located within a fifty-mile radius of Erie, Colorado, and to any industrial plant at Greeley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, November 1, 1950, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant stated that his net worth was \$3,000.00; that he is the owner of a 1948 two-ton dump truck, with which he proposes to conduct his operation.

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

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

It did not appear that the proposed operation will impair the efficiency of the service of any common carrier serving said area.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

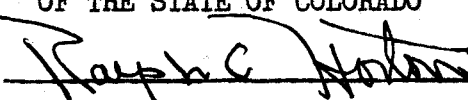
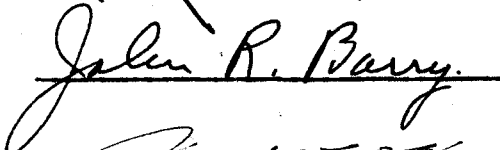

O R D E R

THE COMMISSION ORDERS:

That F. Marion Johnson, Erie, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3876 to include the right to transport coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado; to schools at Lafayette, Colorado; to Plants of Great Western Sugar Company and Kurer-Empson Company, located within a radius of fifty miles of Erie, Colorado, and to any industrial plant at Greeley, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY VANDEWALL, ROUTE 1, LAFAYETTE,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 10833-PP

November 6, 1950

Appearances: Henry Vandewall, Lafayette,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of 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 radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from strip mine, located approximately six miles northeast of Erie, Colorado, to railroad loading point, located one mile south of said strip mine, and from mines in northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, and to plants of Kuner-Empson Company and Great Western Sugar Company, located within a radius of fifty miles of Lafayette, Colorado, and to industries located at Greeley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, November 1, 1950, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant stated that his net worth was \$10,000.00; that he is the owner of a 1948 Ford two-ton truck, with which he proposes to conduct the operation.

No one appeared in opposition to granting authority sought.

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

It did not appear that the proposed operation of applicant will impair the efficiency of service of any common carrier now serving said area.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue.

O R D E R

THE COMMISSION ORDERS:

That Henry Vandewall, Lafayette, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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 strip mine, located approximately six miles northeast of Erie, Colorado, to railroad loading point, located one mile south of said strip mine, and from mines in northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado and to plants of Kumer-Empson Company and Great Western Sugar Company, located within a radius of fifty miles of Lafayette, Colorado, and to industries located at Greeley, Colorado.

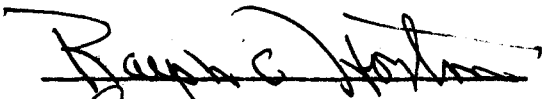
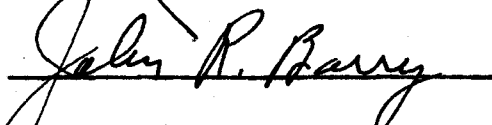
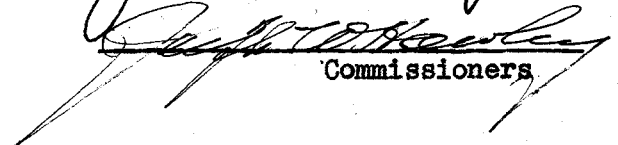
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 6th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLARENCE SWAEBY, ROUTE 1, BOX 114,)
LAFAYETTE, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 10832-PP

November 6, 1950

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 in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, and to Great Western Sugar Company Factories within a radius of fifty miles of Lafayette, Colorado.

Said application was regularly set for hearing at 330 State Office Building, Denver, Colorado, November 1, 1950, 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.

The files were made a part of the record, and the matter was taken under advisement.

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit, and operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which he will compete.

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 Clarence Swaeb, Lafayette, Colorado, should be, and he

hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado Coal Fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, and to Great Western Sugar Company Factories within a radius of fifty miles of Lafayette, Colorado.

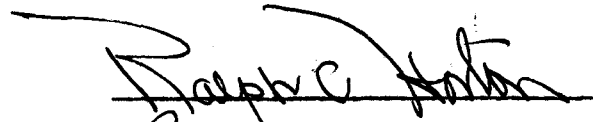
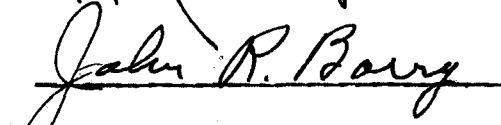

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 6th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. F. HUNT, 4904 WYANDOT STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 10838-PP.
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

November 6, 1950

Appearances: A. F. Hunt, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of 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 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 application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, November 1, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, applicant stated that his networth was \$5,000.00; that he is the owner of a 1941 Chevrolet truck, with which he proposes to conduct his operations.

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

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

It did not appear that the granting of the permit and operations by applicant thereunder will tend to impair the efficiency of any common carrier service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue.

O R D E R

THE COMMISSION ORDERS:

That A. F. Hunt, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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.

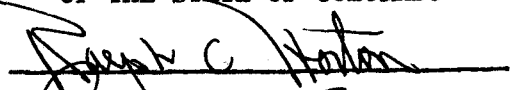


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1950.

original

(Decision No. 35598)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RANDALL C. MORTENSEN, DOING BUSINESS
AS "VALLEY BUS LINES," ALAMOSA, COLO-
RADO, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.

APPLICATION NO. 10746

November 6, 1950

Appearances: Moses and De Souchet, Esqs.,
Alamosa, Colorado, for
applicant;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for
Continental Bus System.

S T A T E M E N T

By the Commission:

The instant application was filed March 13, 1950, set for hearing, and heard, September 21, 1950, at the Court House, in Alamosa, Colorado, and taken under advisement.

Applicant Randall C. Mortensen, doing business as "Valley Bus Lines," requests authority to establish passenger transportation service between the City of Alamosa and the City of Salida, over State Highway No. 17 and U. S. Highway No. 285, serving the communities of Mosca, Hooper, Moffat, Mineral Hot Springs, Villa Grove and Poncha Springs.

Applicant testified that he had lived in the community for seventeen years; that he was very familiar with the community along Highway 17, and that he is presently engaged in handling the United States mail between Alamosa and Salida over this route. He stated his net worth is \$38,000.00; that he has \$11,000.00 in truck equipment, and that if this authority is granted he will purchase a seven-passenger station wagon to render the service here sought. He also stated that in his opinion there was a need for service over this route, however, he was not positive as to the traffic potential which might be developed. He

was also of the opinion that it would be necessary to operate this service in conjunction with his mail contract to make it pay. He further felt that if he were not allowed to serve the terminus points of Salida and Alamosa, it could not be made a profitable operation. He stated he had contacted Rio Grande railroad officials relative to setting up a desk or office in their depots where people might congregate or purchase tickets for the trip. Applicant stated he had no desire to render service north or southbound from Poncha Springs to Salida.

Floyd Moore, of Villa Grove, testified in support of the application. He runs a general merchandise store and stated he was familiar with applicant as well as the application, and felt that the service was needed. He stated that the present bus service was not convenient for the residents of his community in that the schedule did not afford them sufficient time to transact business in Salida, which is the main distribution city for the northern area encompassed by this application. He also stated that the proposal being a morning and afternoon service would give the people more time in Salida to care for their personal business.

Ruth Gradehouse, of Alamosa, testified that she would use the service if it were available, but it is questionable how much she would use it.

Rex Road, of Moffat, testified in support of the application, stating he had no way to get out of Moffat to Salida or Alamosa; that he felt the community was "lost" without any service.

Sherman P. Owsley, of Mosca, testified in support of the application. He is the Postmaster and stated it would be a definite advantage to his community if applicant, while not engaged in hauling the mail to and from Alamosa and Salida, could also transport any passengers that might have occasion to go to either of the communities.

Arthur D. Cooper, of Villa Grove, testified in support of the application, stating that the present service is not good, in fact, they do not have any. The people in his community have need to go to Salida for medical care, dental care, etc., and that they have no means of getting to and from Salida.

Charles L. Howard, of Villa Grove, also testified in support of the application, his testimony being to the effect that the service was not good or there was none at all.

It was also stipulated that Bill Albert, of Moffat, Gordon Reddin, of Hooper, and C. G. Biggs of Moffat, would testify substantially the same as the other witnesses, should they be called.

C. R. Deisher, Traffic Manager of Continental Bus System, testified for protestants. He told what the schedules were, how they run, the connections that his schedules make out of Salida and Durango for interstate traffic, also how the bus schedules connected up with train schedules at Salida. He stated there was no opposition on the part of his company to giving service on Highway 17. The only objection of his company is service from Alamosa to Salida and return, and from Poncha Springs and Salida, or any of the points on U. S. Highway 285, to Salida or Alamosa.

This application gives the Commission a very knotty problem to solve. Using Salida as the origin point on Highway 50, the highway goes west to Poncha Springs where it connects with U. S. Highway 285 and thence goes south through Mears Junction, Alder, Villa Grove to Mineral Hot Springs. There the highway divides and Highway 17 goes almost due south to Monte Vista, thence southeast to Alamosa. Continental Bus System has authority to operate, and does operate, over Highways 50 and 285 from Salida to Alamosa, and return. They, at one time, did have authority to serve Highway 17 between Alamosa and Mineral Hot Springs, but some time ago abandoned this service under authority granted by this Commission in Decision No. 34188 because the service was not profitable.

This is one of those situations which often arises in Colorado where a more or less isolated and sparsely populated segment of the state is deprived of common carrier service because the three sources of revenue for common carriers is distributed among too many operators. If the mail, passenger and freight service can be combined into one operation, it will pay, and the communities and people will have fairly good service, but if

one handles the mail, another the passengers, and another the freight, it becomes unprofitable for all because none of the three sources of revenue will generate enough revenue to make the operation pay.

Here we have five communities in the eastern part of the San Luis Valley who today have no common carrier service. It is true there is common carrier service to the west of them on Highway 285, but that is of little benefit to them. From Mineral Hot Springs to Salida, Continental renders good service except that their schedules are designed to meet their Continental buses and do not give too much flexibility to meet the local needs. Applicant having the mail contract, makes the run every day, and we see no reason why he should not render service to the people on Highway 17 while hauling mail. This is itself though may not, and according to applicant would not, be profitable. It is his opinion that he will have to have authority to render a through service from Salida to Alamosa to make the passenger phase of the proposed operation profitable. If this authority is granted along these lines, it will be competitive with Continental Bus System at Alamosa and from Mineral Hot Springs to Salida on Highways 285 and 50.

We, therefore, come to the difficult problem of ascertaining which is the best policy to adopt. Does the public convenience and necessity of those people residing on and adjacent to Highway 17 outweigh the disadvantage of putting another operator in the field which will be competitive in part with the already certified carrier who is rendering a good service, viz., Continental Bus System?

We have mulled this problem over for some time and have come to the conclusion that the authority should be granted, but limited to give as much service to the people who need it as possible, and at the same time inflict as little damage as possible upon Continental Bus System.

F I N D I N G S

THE COMMISSION FINDS:

That the authority herein sought should be granted, as herein-after limited.

ORDER

THE COMMISSION ORDERS:

That Randall C. Mortensen, doing business as "Valley Bus Lines," Alamosa, Colorado, should be, and hereby is, granted a certificate of public convenience and necessity to operate a passenger service, on schedule, by motor vehicle for hire from Alamosa via Highway No. 17 to Mineral Hot Springs, thence via U. S. Highway 285 to Poncha Springs, thence via U. S. Highway No. 50 to Salida, and return over the same designated route, excluding however from said authority all local service between Salida and Poncha Springs, and that he shall be limited to the use of one seven-passenger station wagon for rendering this service; and further, that this certificate of public convenience and necessity shall remain in full force and effect -- unless otherwise cancelled -- for as long as said Randall C. Mortensen holds a contract from the United States Government for rendering mail service over this route, and no longer.

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

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

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

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. Macoley
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN D. STOUT, DOING BUSINESS AS)
"MERCHANTS TRANSFER & STORAGE CO.,")
201 NORTH BROADWAY, SHERIDAN, WYOM-)
ING, FOR AUTHORITY TO TRANSFER INTER-)
STATE OPERATING RIGHTS TO MERCHANTS)
TRANSFER & STORAGE CO., INC., 201)
NORTH BROADWAY, SHERIDAN, WYOMING.)
-----)

PUC NO. 1165-I-Transfer

November 6, 1950

S T A T E M E N T

By the Commission:

Heretofore, John D. Stout, doing business as "Merchants Transfer & Storage Co.," Sheridan, 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. 1165-I issued to him.

Said certificate-holder now seeks authority to transfer said PUC No. 1165-I to Merchants Transfer & Storage Co., Inc., a corporation, Sheridan, Wyoming.

The records and files of the Commission fail to disclose any reason said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

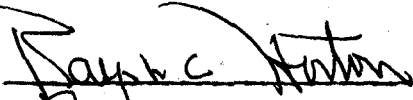
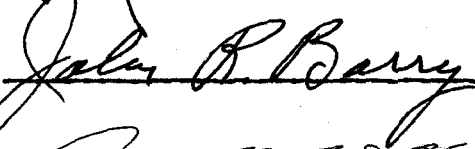
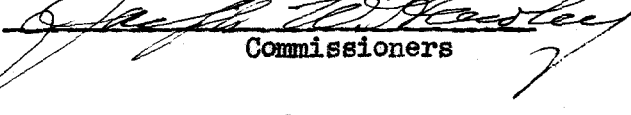
THE COMMISSION ORDERS:

That John D. Stout, doing business as "Merchants Transfer & Storage Co.," Sheridan, Wyoming, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1165-I to Merchants Transfer & Storage Co., Inc., a corporation, Sheridan, Wyoming, subject to the provisions of the Federal Motor Carrier Act

of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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 6th day of November, 1950.

eh

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MERLE L. BRITT, ADMINISTRATRIX OF)
THE ESTATE OF WILLARD F. BRITT,)
DECEASED, AND ALVIN A. BRITT, 1037)
WALNUT STREET, BOULDER, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
949 TO ALVIN A. BRITT, DOING BUSI-)
NESS AS "BRITT TRUCK SERVICE,")
1037 WALNUT STREET, BOULDER, COLO-)
RADO.)
-----)

APPLICATION NO. 10871-Transfer

November 6, 1950

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

S T A T E M E N T

By the Commission:

By Decision No. 7671, of date June 1, 1936, Norman Rhyno was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of:

farm products (including livestock), farm supplies and farm equipment (including furniture only in connection with a movement of farmers' or miners' equipment), and coal between points in the south half of Boulder County, and from and to points in said area, to and from points outside thereof; ore and concentrates, mining equipment, supplies, and machinery, between points within the following-described territory, to-wit: Commencing at Boulder; thence up Boulder Canyon to Four Mile Canyon to Sunset; thence due west to the west Boulder County line; thence north along the west Boulder County line to a point west of Raymond; thence south along the St. Vrain Canyon road to Lyons; thence along the foothill road (being Colorado Highway No. 7), to Boulder and points outside thereof; provided that applicant shall not engage in any transportation service between points along the line of scheduled common carriers, and, particularly, shall not transport any freight between Denver and Boulder, except mining machinery from Denver destined to mines in said area,

said operating rights, by Decision No. 8121, of date July 28, 1936, being amended:

- (1) be elimination of livestock haul from the authority granted therein;
- (2) including in the territory to be served by applicant in transporting ore and concentrates, the following townships: One North, One South, and Two South, in Ranges 71, 72 and 73, West.

Pursuant to authority contained in Decision No. 18597, of date April 9, 1942, Norman Rhyno transferred said operating rights (PUC No. 949) to Willard F. Britt, doing business as "Britt Truck Service," Boulder, Colorado.

By Decision No. 18853, of date May 19, 1942, Willard F. Britt, doing business as "Britt Truck Service," was authorized to extend operations under PUC No. 949 to include the right to transport:

general commodities, except household goods, livestock, and fluid milk as a farm pickup, between points within a fifty-mile radius of Boulder, excepting the City and County of Denver, and that part of said fifty-mile radius lying west of U. S. Highway No. 87 and south of the south line of Township 2-South, as shown on Exhibit "A" attached to the application herein, and to and from points in said area, from and to all points in the State of Colorado, including Denver, excepting that no processed fruits shall be transported between points within or into and out of Larimer County, and further excepting any town-to-town movement where served by scheduled common carriers, with the further provision that present authority under PUC No. 949 shall not be altered or changed, except as it may be increased by the present decision,

said PUC No. 949, by Decision No. 13587, of date April 7, 1942, being further extended to include the right to transport:

passengers and their baggage, as well as express packages that can be handled in a passenger bus, between mines in the metal mining area of Boulder County and that part of Gilpin County north of South Boulder Creek, on the one hand, and Boulder and Longmont on the other hand, provided, however, that no service shall be rendered between towns, but only from towns to mines or mines to towns,

said Decision No. 13587, by Decision No. 18730, of date April 22, 1942, being amended to read as follows:

"Transportation of passengers and their baggage, as well as express packages that can be handled in a passenger bus, between points in the metal mining area of Boulder County and that part of Gilpin County north of South Boulder Creek, and between those points on the one hand, and Boulder and Longmont on the other hand; provided, however, that no service shall be rendered between towns, but only from towns to mines and mines to towns."

Pursuant to authority contained in Decision No. 33008, of date July 5, 1949, said Willard F. Britt, doing business as "Britt Truck Service," Boulder, Colorado, transferred PUC No. 949 to Willard F. Britt and Alvin A. Britt, doing business as "Britt Truck Service," Boulder, Colorado.

Subsequently, Willard F. Britt departed this life. Thereafter, his widow, Merle L. Britt, was appointed administratrix of his estate by the County Court of Boulder County, and with the consent, and under the direction of said County Court, by the instant application, seeks authority to transfer the undivided one-half interest in and to PUC No. 949 formerly owned by Willard F. Britt, to Alvin A. Britt, doing business as "Britt Truck Service," Boulder, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that ton-mile tax deposit is to be transferred to account of transferee; 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 application, 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.

O R D E R

THE COMMISSION ORDERS:

That Merle L. Britt, Administratrix of the Estate of Willard

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

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

eh

Original

(Decision No. 35601)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MERLE L. BRITT, ADMINISTRATRIX OF)
THE ESTATE OF WILLARD F. BRITT,)
DECEASED, 1037 WALNUT STREET,)
BOULDER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-4238 TO ALVIN)
A. BRITT, DOING BUSINESS AS "BRITT)
TRUCK SERVICE," 1037 WALNUT STREET,)
BOULDER, COLORADO.)
-----)

APPLICATION NO. 10870-PP-Transfer

November 6, 1950

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

S T A T E M E N T

By the Commission:

By Decision No. 29642, of date January 2, 1948, Willard F. Britt, Boulder, Colorado, was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of:

tailings from mill owned by New Jersey Zinc Company, from tailings pond, near Minturn, Colorado, to railroad loading points at or near Minturn, Colorado, for General Chemical Company,

said operating rights being designated "Permit No. B-4238."

Thereafter, Willard F. Britt departed this life, and by the instant application, Merle L. Britt, his widow, as Administratrix of the Estate of Willard F. Britt, seeks authority to transfer said operating rights to Alvin A. Britt, doing business as "Britt Truck Service," Boulder, 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 transferee, pecuniarily and otherwise, is qualified to carry on the operation, and it does not appear that any useful pur-

pose 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 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 Merle L. Britt, Administratrix of the Estate of Willard F. Britt, Deceased, should be, and she hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-4238—being the operating rights granted by Decision No. 29642—to Alvin A. Britt, doing business as "Britt Truck Service," Boulder, 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 her operations under said permit up to the time of transfer of said permit, and the payment by her or transferee of all unpaid ton-mile tax.

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

That transferee shall not consolidate operations under Permit No. B-4238 with those conducted under PUC No. 949, but shall operate this permit separate and apart therefrom.

That ton-mile tax deposit shall be transferrred 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. Hobart

Julius R. Barry

Joseph W. Beecley
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. A. LANCASTER, WEST CLIFFE,)
COLORADO.)

PERMIT NO. A-1335

IN THE MATTER OF THE APPLICATION OF)
W. A. LANCASTER, WEST CLIFFE, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PER-)
MIT NO. A-1335 TO GALE R. CAMPER,)
WEST CLIFFE, COLORADO.)

APPLICATION NO. 10866-PP-Transfer

November 6, 1950

S T A T E M E N T

By the Commission:

On February 24, 1936, by Decision No. 7245, W. A. Lancaster was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

farm products, including livestock, and ore from point to point within a radius of fifteen miles of Westcliffe, Colorado; and from said area via Highway No. 96 to Pueblo and Highway No. 85 from Pueblo to Denver, provided, however, that no farm products which originate within the corporate limits of Westcliffe itself shall be transported by applicant, and no points intermediate between Pueblo and Westcliffe shall be served by applicant, and provided further that applicant shall not engage in the transportation of freight as a back-haul from Denver, Colorado Springs, Pueblo, or any other intermediate points, into Westcliffe.

By Decision No. 11217, of date January 10, 1938, said permit-holder was authorized to extend operations under said operating rights (being Permit No. A-1335) to include the right to transport:

ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe, to Westcliffe, Texas Creek, Salida, Saguache, Center, Monte Vista and Alamosa,

with back-haul of livestock, only, from said points to farms within said fifteen-mile radius; and livestock from Denver to farms in said radius.

By Decision No. 11249, of date January 14, 1938, said W. A. Lancaster was authorized to further extend his operations under Permit No. A-1335 to include the right to transport:

ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe to Westcliffe, Texas Creek, and Salida; livestock from and to Saguache, Center, Monte Vista and Alamosa, to and from farms within said fifteen-mile radius; and livestock from Denver to farms in said radius.

By Decision No. 11614, of date March 26, 1938, said operating rights were further extended to include the right to transport:

ore from mines within a radius of fifteen miles of Westcliffe to Florence and Canon City.

By Decision No. 34718, of date May 10, 1950, said permit-holder was authorized to suspend operations under Permit No. A-1335 until October 24, 1950.

On October 23, 1950, W. A. Lancaster filed the instant application, requesting reinstatement of Permit No. A-1335, and also requesting authority to transfer said permit to Gale R. Camper, Westcliffe, 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 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.

FINDINGS

THE COMMISSION FINDS:

That Permit No. A-1335 should be reinstated.

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

ORDER

THE COMMISSION ORDERS:

That Permit No. A-1335 should be, and the same hereby is, reinstated, effective October 24, 1950.

That W. A. Lancaster, Westcliffe, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-1335 to Gale R. Camper, Westcliffe, 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.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Hutton
John R. Berry
James W. Hawley
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH P. RUTH, 1409 BLAKE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. A-750 TO DAVID)
J. KINGERY, DOING BUSINESS AS "DAVE)
KINGERY," P. O. BOX 716, IDAHO)
SPRINGS, COLORADO.)

APPLICATION NO. 10867-PP-Transfer

November 6, 1950

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

S T A T E M E N T

By the Commission:

On June 26, 1934, Benjamin E. Krenzel, Idaho Springs, Colorado, was authorized to operate as a Class "A" private carrier by motor vehicle for hire:

between Leadville, Colorado, and Boulder, Colorado Springs and intermediate points, including mining districts of Georgetown, Silver Plume, Central City, Blackhawk and Idaho Springs, via Colorado 91, Colorado 119, U. S. 40, U. S. 85, U. S. 285, and Colorado 7,

said operating rights being designated "Permit No. A-750."

Pursuant to authority contained in Decision No. 17008, of date April 17, 1941, said permit-holder transferred said Permit No. A-750 to Joseph P. Ruth, who, by the instant application, seeks authority to transfer said operating rights to David J. Kingery, doing business as "Dave Kingery," Idaho Springs, 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 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 permit, the Commission determined to hear, and has heard, said application, 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 Joseph P. Ruth, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-750 — being the operating rights granted to Benjamin E. Krenzel on June 26, 1934, and acquired by said Joseph P. Ruth pursuant to authority contained in Decision No. 17008 — to David J. Kingery, doing business as "Dave Kingery," Idaho Springs, 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.

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

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

2
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 E. Hensley
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
E. W. O'NEAL, DOING BUSINESS AS)
"BOULDER TRANSFER CO.," 933 ARAPAHOE)
STREET, BOULDER, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PERMIT NO. B-1114)
TO WILLIAM T. BULLARD, DOING BUSI-)
NESS AS "BOULDER TRANSFER CO.," 1529)
ARAPAHOE STREET, BOULDER, COLORADO.)

APPLICATION NO. 10868-PP-Transfer

November 6, 1950

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

S T A T E M E N T

By the Commission:

On November 26, 1935, by Decision No. 6859, G. A. Sherman and E. W. O'Neal, doing business as "Boulder Transfer Company," Boulder, Colorado, were granted a private permit, being Permit No. B-1114, authorizing the transportation of:

"light freight and baggage for regular Boulder customers from Boulder, Colorado, with a pick-up radius of five miles around the city to various points in Colorado, as required by said customers. No general freight hauling in competition with authorized scheduled carriers is contemplated hereby."

On March 29, 1938, the Commission, by Decision No. 11619, restricted the area to be served under said permit to:

"points within a radius of fifty miles of Boulder, Colorado,"

instead of:

"to various points in Colorado."

Pursuant to authority contained in Decision No. 18472, of date March 6, 1942, said permit-holders transferred Permit No. B-1114 to E. W. O'Neal, doing business as "Boulder Transfer," Boulder, Colorado, who, by

the instant application, seeks authority to transfer said operating rights to William T. Bullard, doing business as "Boulder Transfer Co.," Boulder, 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 transferee, pecuniarily and otherwise, is 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 permit, the Commission determined to hear, and has heard, said application, 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 E. W. O'Neal, doing business as "Boulder Transfer Co.," Boulder, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1114 -- being the operating rights granted by Decision No. 6859, as amended by Decision No. 11619 -- to William T. Bullard, doing business as "Boulder Transfer Co.," Boulder, 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, the 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.

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

That ton-mile tax deposit is to be transferred and credited 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



Raymond C. Horton
John R. Barry
Joseph W. Kearley
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
L. B. HARGISS, 4717 WEST 30TH)
AVENUE, DENVER, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PERMIT NO. B-3936)
TO ELMER E. BROWN, ROUTE 4, BOX 495,)
GOLDEN, COLORADO.)

APPLICATION NO. 10869-PP-Transfer

November 6, 1950

S T A T E M E N T

By the Commission:

By Decision No. 31399, of date October 19, 1948, L. B. Hargiss, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

sand, gravel, dirt, 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, and to Rocky Mountain Arsenal, located near Denver, Colorado,

said operating rights being designated "Permit No. B-3936."

By the instant application, said permit-holder seeks authority to transfer Permit No. B-3936 to Elmer E. Brown, Golden, 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 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, the Commission determined to hear, and has heard, said application, 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 L. B. Hargiss, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3936 -- being the operating rights granted by Decision No. 31399 -- to Elmer E. Brown, Golden, 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 operations under said permit up to time of transfer of said permit, and payment by him 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 shall be transferred to transferee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Horton
Julius P. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1950.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
LANE M. MYERS, PROTECTION,)	CASE NO. 53773-INS.
KANSAS.)	(Permit No. C-23596)
-----)	

November 6, 1950

S T A T E M E N T

By the Commission:

On October 10, 1950, in Case No. 53773-Ins., the Commission entered an order revoking Permit No. C-23596, for failure to keep on file effective insurance.

It develops that insurance was in effect, but through a discrepancy in the trade name, was not accepted. Proper insurance has now been filed 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. 53773-Ins., should be cancelled and set aside, and said Permit No. C-23596 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53773-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-23596 restored to its former status as of October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 6th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE STATE HIGHWAY DEPARTMENT OF COLO-
RADO FOR AUTHORITY TO CONSTRUCT AUTO-
MATIC RAILROAD GRADE CROSSING FLASHING
SIGNAL ON STATE HIGHWAY NO. 121 IN
ARVADA, JEFFERSON COUNTY, COLORADO,
IN THE N $\frac{1}{2}$ OF SECTION 14, T. 3 S.,
R. 69 W., AT TRACKS AND RIGHT OF WAY
OF THE COLORADO AND SOUTHERN RAILWAY
COMPANY AT MILE POST 7.71.

APPLICATION NO. 10763.

November 6, 1950

Appearances: Adolph Zulian, Roadway Plans
Engineer, Colorado State
Highway Department, Denver,
Colorado, for applicant;
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The State Highway Department of Colorado, by Mark U. Watrous, State Highway Engineer, filed an application with this Commission, asking for authority to install automatic railroad grade crossing flashing signals on State Highway No. 121, in Arvada, Jefferson County, Colorado, in the N $\frac{1}{2}$ of Sec. 14, T. 3 S., R. 69 W., at the tracks and right of way of The Colorado & Southern Railway Company, at Mile Post 7.71.

The Commission notified all interested parties of the application as filed, asking if there were any objections to the installation of the proposed signal protection devices proposed therein. The Mayor of Arvada and The Colorado & Southern Railway Company both replied that they had no objection to the granting of the authority sought, and no one replied in opposition.

The matter was set for hearing on Monday, October 23, 1950, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and was there heard and taken under advisement.

Highway No. 121, also called Wadsworth Avenue, crosses the tracks of The Colorado & Southern Railway Company at M. P. 7.71 on the Denver to Golden branch line, within the city limits of Arvada, Jefferson County, Colorado. Highway No. 121 has a considerable up-grade to the north as it approaches the grade crossing consisting of one main line and one passing track. The visibility is poor at this crossing due to a coal shed, grain elevator and a flour mill limiting the sight distances to 50 feet in three of the quadrants and 75 feet in the fourth quadrant. There are four trains daily over this crossing and it is estimated that 3,000 vehicles a day use the crossing.

Applicant proposes to install two automatic flashing light signals and bell together with advance warning signs. The signals will replace standard crossbuck signs now at this crossing. The estimated cost of the project is \$6,900.00, of which the Highway Department will pay 90% and the Railroad 10%.

Exhibit No. 1, introduced at the hearing, is a photostatic copy of an Agreement between the Colorado State Highway Department and The Colorado & Southern Railway Company, dated August 15, 1949, relating to Highway-Railroad Grade Crossing Protection. The Colorado & Southern Railway Company replied to the Commission that it had no objection to the installation and establishment of the proposed signal protection if installed in accordance with said Agreement.

The Commission will approve the Agreement, Exhibit No. 1, with the proviso that the installation of the advance warning signs and the automatic flashing light signal protection shall be installed in accordance with the Bulletin of the Association of American Railroads, Joint Committee on Railroad Protection, as adopted by this Commission.

FINDINGS

THE COMMISSION FINDS:

That the public convenience, necessity and safety require the construction, establishment, maintenance and operation of automatic flashing light signal protection on State Highway No. 121 where it crosses over the tracks and right of way of The Colorado & Southern Railway Company at Mile Post 7.71.

ORDER

THE COMMISSION ORDERS:

That applicant, The State Highway Department of Colorado, be, and it hereby is, authorized to construct and establish automatic flashing light signal protection at a highway crossing at grade located as follows:

In the N $\frac{1}{2}$ of Sec. 14, T. 3 S., R. 69 W., where Colorado State Highway No. 121 crosses the right of way and tracks of The Colorado & Southern Railway Company at Mile Post 7.71 of the Denver to Golden Branch of said Railroad.

That the work to be done, maintenance, provisions and methods of payment for the work shall be in accordance with the Agreement between the Colorado State Highway Department and The Colorado & Southern Railway Company marked Exhibit No. 1, and as modified by the proviso outlined in the preceding Statement, said Statement and Exhibit No. 1, by reference being made a part hereof.

That this order shall become effective 20 days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Julius R. Barry

Robert W. Bradley
Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1950.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JEROME ROGERS, 2548 EMERSON STREET)	
DENVER, COLORADO, FOR A CLASS "B")	APPLICATION NO. 10837-PP
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

November 6, 1950

Appearances: Jerome Rogers, Denver, Colo-
rado, pro se

S T A T E M E N T

By the Commission:

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

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, November 1, 1950, and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, applicant stated that his net worth was \$1500.00; that he is the owner of a 1950 Ford truck which he proposes to use in the conduct of his operation.

No one appeared in opposition to granting the authority sought.

It did not appear that the granting of the instant application and operations by applicant under his permit will tend to impair the efficiency of any common carrier service with which he will compete.

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 Jerome Rogers, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of 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.

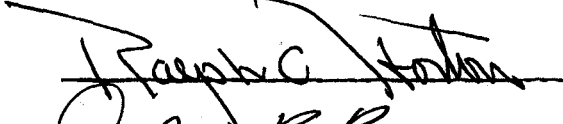
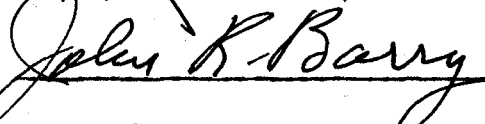

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 6th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MURRAY F. LEDDY, 8000 WEST ALAMEDA)
AVENUE, LAKEWOOD, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
----- }

APPLICATION NO. 10836-PP

November 6, 1950

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other 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 Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver and to Lakewood, Colorado.

Said application was regularly set for hearing at 330 State Office Building, Denver, Colorado, November 1, 1950, 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.

The files were made a part of the record, and the matter was taken under advisement.

No one appeared in opposition to the granting of the authority sought and it did not appear that the granting of said permit and operations by applicant thereunder will tend to impair the efficiency of any common carrier service with which he will compete.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Murray F. Leddy, Lakewood, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver and to Lakewood, Colorado.

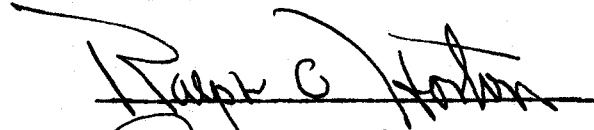
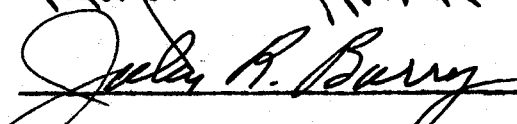

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 6th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIS D. BLACKFORD AND ROBERT M.)
RANDALL, CO-PARTNERS, 116 SOUTH)
MONROE STREET, LOVELAND, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1808 TO WILLIS D. BLACKFORD AND)
HAROLD L. BLACKFORD, CO-PARTNERS,)
116 SOUTH MONROE STREET, LOVELAND,)
COLORADO)
-----)

APPLICATION NO. 10847-Transfer
SUPPLEMENTAL ORDER

November 6, 1950

S T A T E M E N T

By the Commission:

On October 24, 1950, the Commission issued an order bearing Decision No. 35530, transferring PUC-1808 to Willis D. Blackford and Harold L. Blackford, co-partners, 116 South Monroe Street, Loveland, Colorado. At that time the Commission was lead to believe that there was no outstanding indebtedness against said authority, but has since been informed that there is a mortgage against the certificate, the original amount of which was \$4,000.00, and that today there is due and owing on said chattel mortgage and note, \$2,666.67. The Commission is therefore of the opinion that order in said Decision No. 35530 should be amended as to the Statement and the Order nunc pro tunc.

F I N D I N G S

THE COMMISSION FINDS:

That said Decision No. 35530 should be amended nunc pro tunc.

O R D E R

THE COMMISSION ORDERS:

That in the Statement of Decision No. 35530, on Page 2, Line 5, after the word "operation" the following should be inserted:

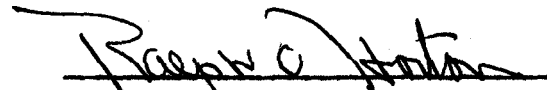
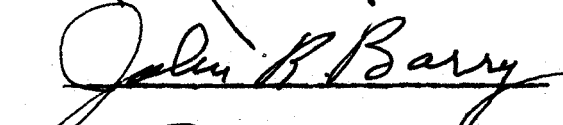

"except a note and chattel mortgage of the original amount of \$4,000.00, with a balance of \$2,666.67 due and owing to G. D. Bussard,"

and that also on Page 2, Line 5 of the Order, after the words "Loveland, Colorado," the following should be inserted:

"subject to the payment of any outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to a note and chattel mortgage due to G. D. Bussard in the principal amount of \$4,000.00, with a balance due as of this date of \$2,666.67,"

and that Decision No. 35530 should be, and hereby is, amended nunc pro tunc in conformance with this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE RAILWAY EXPRESS AGENCY, INC.,)
TO DISCONTINUE PICKUP AND DELIVERY)
SERVICE AT YUMA, YUMA COUNTY,)
COLORADO.)
-----)

APPLICATION NO. 10634

At a General Session of The Public
Utilities Commission of the State of
Colorado, held at its offices in
Denver, Colorado, November 6, 1950.

INVESTIGATION AND SUSPENSION DOCKET NO. 312.

On June 3, 1950, the Railway Express Agency, Inc., by its Superintendent, C. C. Case, filed its petition under the Commission's General Order No. 35 proposing to discontinue, effective July 10, 1950, pickup and delivery service at its agency at Yuma, Colorado.

The intention of the applicant having become known to parties in interest, viz.; the Town of Yuma, the Commission received a protest from the Town filed by the Town Attorney, asking that certain matters be considered before the Commission reached a decision.

By Decision No. 35056, dated July 7, 1950, the Commission suspended the effective date of the discontinuance of the pickup and delivery service of the Railway Express Agency, Inc., at Yuma, Colorado, for a period of one hundred and twenty (120) days from July 10, 1950, or until November 7, 1950, unless otherwise ordered. The matter of the discontinuance of the pickup and delivery service at Yuma was made the subject of investigation by the Commission and all the records and files were transferred from Application No. 10634 to Investigation and Suspension Docket No. 312.

It is now apparent that the Commission will not have time before November 7, 1950, in which to complete its investigation in regard to this matter and it therefore becomes necessary to further suspend the effective date of the discontinuance of pickup and delivery service at Yuma, Colorado.

FINDINGS

THE COMMISSION FINDS:

That the discontinuance of the pickup and delivery service of the Railway Express Agency, Inc., at Yuma, Colorado, be further suspended.

O R D E R


THE COMMISSION ORDERS:

That the effective date of the proposed discontinuance of the pickup and delivery service of the Railway Express Agency, Inc., at Yuma County, Colorado, be, and it hereby is, further suspended for a period of one hundred and twenty (120) days from November 7, 1950, or until March 7, 1951, unless otherwise ordered.

That the matter of the proposed discontinuance of pickup and delivery service at Yuma, Colorado, be made a subject of further investigation by this Commission within said period of resuspension or within such further time as the matter may be lawfully suspended.

That a copy of this order be filed with Application No. 10634 and with Investigation and Suspension Docket No. 312, and copies served on C. C. Case, Superintendent, Railway Express Agency, Inc., Express Annex, Denver Union Terminal, Denver 17, Colorado, and Glenn S. Thompson, First National Bank Building, Yuma, Colorado, attorney for the Town of Yuma.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Hutton
John R. Barry
John R. Barry
Commissioners

Dated in Denver, Colorado
this 6th day of November, 1950.

eh

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JOHN C. WILKINSON, 810 SWOPE AVENUE,)
COLORADO SPRINGS, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 10747

IN THE MATTER OF THE APPLICATION OF)
CHARLES F. STOVER, DOING BUSINESS)
AS "CHUCK STOVER ASH & TRASH SER-)
VICE," 2621 EAST ST. VRAIN STREET,)
COLORADO SPRINGS, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 10748

IN THE MATTER OF THE APPLICATION OF)
MIKE TAFOYA, 711 EAST GARFIELD)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 10749

IN THE MATTER OF THE APPLICATION OF)
BERNARD TYLER, 731 SOUTH WEBER)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 10750

IN THE MATTER OF THE APPLICATION OF)
DUFFY A. GRIFFITH, DOING BUSINESS)
AS "GRIFF'S ASH-TRASH SERVICE,")
2441 EAST WILLAMETTE AVENUE, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 10751

IN THE MATTER OF THE APPLICATION OF)
LESTER MADISON, 220 SOUTH CONEJOS)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 10752

IN THE MATTER OF THE APPLICATION OF)
WILLIAM E. JOHNSON, DOING BUSINESS)
AS "JOHNSON'S SERVICE," 1723 WEST)
VERMIJO STREET, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 10753

IN THE MATTER OF THE APPLICATION OF)
WILLIAM SWANN, DOING BUSINESS AS)
"H. AND H. HAULING COMPANY," 814)
SOUTH WAHSATCH STREET, COLORADO)
SPRINGS, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY.)

APPLICATION NO. 10754

IN THE MATTER OF THE APPLICATION OF)
J. R. GILLAND, 2518 WEST BIJOU)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 10755

IN THE MATTER OF THE APPLICATION OF)
O. E. ELLIS, 223 SOUTH INSTITUTE)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 10756

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE TAFOYA, DOING BUSINESS AS)
"BROWNIE'S ASHES AND TRASH SERVICE,")
807 EAST CIMMARON STREET, COLORADO)
SPRINGS, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY.)

APPLICATION NO. 10757

IN THE MATTER OF THE APPLICATION OF)
JOHN M. BECKER, DOING BUSINESS AS)
"BECKER'S ASH AND TRASH," 2121 EAST)
ST. VRAIN STREET, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 10758

IN THE MATTER OF THE APPLICATION OF)
CLARENCE R. ANDERSON, 2724 EAST)
WILLAMETTE STREET, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 10759

November 8, 1950

Appearances: Ben T. Delahay, Esq., Colorado
Springs, Colorado, for applicants;
Charles J. Simon, Esq., Colorado
Springs, Colorado, for Disposal
Service Company;
Myron H. Burnett, Esq., Denver, Colo-
rado, for Disposal Service Company,
The Colorado Motor Carriers' Ass'n.

S T A T E M E N T

By the Commission:

Each of the above-named applicants filed with the Commission his application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle, for the transportation, not on schedule, of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within a radius of ten miles of the corner of Pikes Peak Avenue and Nevada Avenue, in Colorado Springs, Colorado, and any dump which is now, or which may hereafter be located within the area above described.

All of the applications were set for hearing at the Council Chambers in the City Hall at Colorado Springs, Colorado, for September 26, 1950, and by agreement of all parties in interest, were consolidated for hearing, heard, and taken under advisement.

Briefs have been filed by all interested parties, and carefully considered.

Application No. 10747, of John C. Wilkinson, was amended at the hearing to correspond with the other twelve applications as to commodities and area.

It appears from the evidence that the applicable ordinance of the City of Colorado Springs provides that no person shall haul any ashes, refuse, trash, rubbish, or like waste materials over the streets or alleys of the city without first procuring a license from the city therefor, nor shall any person engage in such transportation without equipment consisting of a leak-proof container, with tight-fitting cover, the container to be of metal if not ashes are to be transported. The equipment must first be inspected and approved by the Fire Warden before license is issued. The equipment of each of these applicants has been inspected and approved by the Fire Warden, and license issued to each of them as of August 1, 1950, for the term of one years.

Fred H. Lausch, Fire Warden and Chief of the Fire Department, testified that before license issued, he required an applicant to have metal-lined equipment, with tail gate to prevent scattering and spillage

of trash, and lids that close over the top of the equipment.

R. F. Sonnekson, City Clerk, testified that licenses under the ordinance issued to fifty-seven truckers in the Year 1946-47, forty-six in the Year 1947-48, fifty-one in the Year 1948-49, fifty-four in the Year 1949-50, and to twenty-six between August 1, 1950 and date of hearing. He gave the population of Colorado Springs as 45,270, and in his opinion there was a need for service of all the licensed haulers. Chief Lausch stated that often residents were unable to obtain trash hauling service because of the lack of licensed haulers. Several attempts have been made to have the city establish its own trash disposal system, but without success.

The evidence shows the equipment, net worth, and number of customers of the applicants to be as follows, reference being to the number of their respective applications:

No. 10747, John C. Wilkinson, 1 two-ton, 1946 Chevrolet Truck, with dump body, capacity six cubic yards, net worth \$3,000.00, regular customers 20 to 25 per week in the city, 75 to 80 outside the city limits, and 18 to 20 small pick-ups.

No. 10748, Charles F. Stover, one one and one-half-ton 1941 Dodge Truck, with dump body, net worth \$8,000.00, income \$300.00 per month, 35 regular customers in the city, 15 to 20 outside.

No. 10749, Mike Tafoya, one one and one-half-ton 1940 Dodge Dump Truck, net worth \$6,000.00, 330 to 350 customers inside the city, 45 to 50 outside, and income \$35.00 to \$45.00 per week.

No. 10750, Bernard Tyler, one one and one-half-ton 1936 Chevrolet dump truck, net worth \$2,000.00, income \$250.00 per month, 75 customers inside and 20 outside the city.

No. 10751, Duffy A. Griffith, one one-ton 1941 Ford Truck, net worth \$2,000.00, 200 customers inside the city and 75 outside.

No. 10752, Lester Madison, one one and one-half-ton Ford Truck, net worth \$20,000.00, income \$150.00 per month, 100 customers inside the city and 20 outside.

No. 10753, William E. Johnson, one one and one-half-ton Ford Dump Truck, net worth \$8,000.00, income \$350.00 to \$400.00 per month, 71

regular customers inside and 40 outside the city.

No. 10754, William Swann, one one and one-half-ton Ford Dump Truck, net worth \$400.00, income \$200.00 per month, 300 customers inside the city and 5 outside.

No. 10755, J. R. Gilland, one one and one-half-ton Ford Truck, and one one and one-half-ton 1939 Chevrolet truck, net worth \$6,000.00, income \$600.00 to \$700.00 per month from the two trucks, with three employees, 100 regular customers inside the city and 50 outside.

No. 10756, O. E. Ellis, one one and one-half-ton 1933 Chevrolet Truck, net worth \$10,000.00, between 400 and 500 customers -- mostly outside the city.

No. 10757, Lawrence Tafoya, one one and one-half-ton 1940 Ford Truck, net worth \$1,500.00, income \$200.00 per month in winter and \$150.00 in summer, with service mostly in the business district.

No. 10758, John M. Becker, one one and one-half-ton 1941 Chevrolet Truck, 65 regular weekly customers, half outside the city, net worth \$5,000.00, average gross income \$250.00 per month.

No. 10759, Clarence R. Anderson, one one and one-half-ton 1941 Ford Truck, net worth \$9,000.00, 37 regular customers in business district.

Most of these applicants have advertised their service, the names of some of them appear in the classified telephone directory, and at least one advertises on the radio. All put in full time in this service.

The granting of the authority was vigorously protested by Robert D. Cumming and Ronald Cumming, co-partners, doing business as "Disposal Service Company," under PUC No. 2130, which has authority similar to that sought in these applications. Ronald Cumming testified that the company started operations on October 24, 1949, and on August 1, 1950, had 513 customers, including 72 outside the city and 13 business places. The equipment consists of one Marion Hydropak, hydraulically operated, with a packing plate carrying the trash and garbage from a large sliding door opening on each side of the body to the rear, where it compresses and packs the refuse. The unit owned by Disposal has a

capacity of nine cubic yards, and cost, equipped, \$4,300.00, and a similar unit was to be delivered within ten days of the date of hearing, at a cost, equipped, of \$4,489.00.

R. F. Dickinson, the salesman for Hydropaks, admitted that because of the side openings, the unit was not suitable for use in small places. Witness Robert Gilland had worked for the company and stated he could not load brush or ashes, and at times the loading place for trash was too narrow to permit loading the unit from the side. The unit will carry double the amount of trash or garbage carried by ordinary trucks. Mr. Cumming testified that the unit could handle 1500 customers per week in a fairly concentrated district. The company sells galvanized iron containers to its customers, and Mr. Cumming admitted that the unit was not particularly suitable for emptying ashpits and similar places ; in fact, he has called Gilland (Applicant in No. 10755) to haul ashes, as such service of the latter was more expeditious.

Mr. Cumming further testified that the company contemplates buying all units of the same class necessary to furnish service for the entire metropolitan area; that he estimates the number of houses to be served weekly in the city and the metropolitan area at 16,000, which will require the use of fifteen of the units, at a cost of approximately \$4,500.00 each. The net worth of the company (Exhibit No. 23) is \$4,473.84. He has not encouraged business houses to take the service, as he wished to first build up the business in the residential area, and he has not established service for those who wished to continue the use of ashpits rather than the use of the containers sold by the company, as such parties are well served by applicants. The population of Colorado Springs is approximately 45,000, and of the metropolitan area, 65,000, but he thought five operators could handle the available business.

Charles J. Simon, attorney for Disposal Service Company, stated that the company did not want to set up a monopoly; that it was willing that authority be granted to two or three more haulers, and the use of the city dump limited to fifteen trucks instead of fifty-two, which is the average number of licenses issued by the city annually. He did not object to competition if his competitors have good equipment and render good

service, his objection being to the make-shift equipment of applicants and the alleged fact that so many of them cannot operate economically. He admitted that his company could operate on a small margin of profit, even though the applications should be granted, but maintained that Disposal will give better service.

For protestant, Dwight Wilcox testified he used the Disposal Service which is satisfactory, and service before Disposal entered the field was not so good. W. Luther Simpson stated that Disposal Service had been endorsed by the Lions Club and the Optimists. W. G. Schaeffer, Pastor of the First United Brethern Church, used the Disposal Service for trash, but could not use it for the hauling of ashes or brush, the transportation of which requires the service of one of these applicants. Eugene Welch, a photographer, uses the Disposal Service, which is more satisfactory than the service he had before Disposal started business, but stated it was necessary to employ the applicants for the disposal of trash and ashes in the business district. James J. Powell and F. M. Prosser, of Colorado Springs, and Walter Chessmore, of Cresta Vista Addition, use Disposal service and find same satisfactory.

It was stipulated that other customers of Disposal, if called, would testify to the same effect.

The City of Colorado Springs sees fit to license approximately fifty trucks annually to render disposal service in the city. All the equipment used is inspected and approved by the Chief of the Fire Department before license is issued. These thirteen applicants are employed full time and make their living from this business. The only question we are called upon to determine is whether or not public convenience and necessity require their operation over a distance of .8 of a mile from the city limits of Colorado Springs to the city dump, and to any other dumps that may be later established.

The protestant's evidence makes out a prima facie case for these applicants. Disposal, at time of hearing, owned one unit, which under this testimony could possibly serve 1500 to 2000 customers in a congested district out of a population of 65,000 in the metropolitan area.

Protestant does not care for the business of hauling ashes and brush because of the nature of the unit used and calls upon one of the applicants when such service is requested. It is quite evident that protestant prefers to limit its service in the residential district to those who will purchase the galvanized iron containers sold by the company, and is not particularly interested in customers who require removal of rubbish from basements or other parts of their property. And protestant has made no effort to establish its service in the business district, where the merchants still have to call upon applicants for service. And there are many parts of the business district that cannot be served by protestants because of the fact that the loading stations are in locations so narrow that the rubbish cannot be loaded into the side door of the unit. In short, protestant's evidence shows a definite need on the part of the public for the proposed service of applicants.

F I N D I N G S

Therefore, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of each of the above-named applicants, and that certificates 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 John C. Wilkinson, applicant in Application No. 10747, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the city limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed

common carrier motor vehicle call and demand service of Charles F. Stover, doing business as "Chuck Stover Ash & Trash Service," applicant in Application No. 10748, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Mike Tafoya, applicant in Application No. 10749, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Bernard Tyler, applicant in Application No. 10750, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Duffy A. Griffith, doing business as "Griff's Ash-Trash Service," applicant in Application No. 10751, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Lester Madison, applicant in Application No. 10752, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of William E. Johnson, doing business as "Johnson's Service," applicant in Application No. 10753, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of

public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of William Swann, doing business as "H. and H. Hauling Company," applicant in Application No. 10754, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of J. R. Gilland, applicant in Application No. 10755, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of O. E. Ellis, applicant in Application No. 10756, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken,

deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Lawrence Tafoya, doing business as "Brownie's Ashes and Trash Service," applicant in Application No. 10757, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of John M. Becker, doing business as "Becker's Ash and Trash," applicant in Application No. 10758, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Clarence R. Anderson, applicant in Application No. 10759, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described, and this order shall

be taken, deemed, and held to be a certificate of public convenience and necessity therefor.


That each of the above-named applicants shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

That each of the above-named applicants 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 each of the above-named applicants 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. Horton
John R. Barry
James W. Hawley
Commissioners

Dated at Denver, Colorado,
this 8th day of November, 1950.

mw

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ROCCO DI PAOLO, TRINIDAD, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE MOTOR)
VEHICLE SERVICE BETWEEN TRINIDAD,)
COLORADO, THE TRINIDAD MUNICIPAL)
AIRPORT, HOEHNE, CHICOSA, EL MORO,)
AND INTERMEDIATE POINTS.)
-----)

APPLICATION NO. 10422

November 8, 1950

Appearances: Rocco Di Paolo, Trinidad,
Colorado, pro se;
Frank H. Hall, Esq., Trinidad,
Colorado, for Fouret Bros.;
Chas. T. Shehorn, Thatcher, Colo-
rado, for Walker-Shehorn
Truck line;
Franklin W. Azar, Esq., Trinidad,
Colorado, for County Commissioners,
Las Animas County, Colorado

S T A T E M E N T

By the Commission:

By this application Rocco Di Paolo, Trinidad, Colorado, seeks a certificate of public convenience and necessity for the operation of a motor bus line for the transportation of passengers, baggage, (including milk and cream), express, and freight, between Trinidad, Colorado, the Trinidad Municipal Airport, Hoehne, Chicosa, El Moro and intermediate points, by diverse routes shown by the map attached to the application.

The application was set for hearing at the Court House, in Trinidad, Colorado, and after due notice to all parties in interest was there heard and taken under advisement.

Applicant testified as to his desire to furnish the service requested, but presented no financial statement or list of equipment, and failed to produce any prospective customers, to show the public need of the service. Nor has he obtained the necessary authority to use the streets of Trinidad in his proposed operation.

The desire of applicant for this authority cannot overcome the legal requirement that he demonstrate a public need for the service sought

to be authorized, and particularly is this true, when there is a protest to the granting of the authority as in this case. Applicant has failed completely to associate his proposal with any convincing need or demand on the part of the public, for this transportation service.

FINDINGS

THE COMMISSION FINDS:


That applicant has failed to establish that the proposed operation is required by the present and future public convenience and necessity, and that the application should be denied.

ORDER

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Hinton
John R. Bang
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado
this 8th, day of November, 1950.

eh

Original

(Decision No. 35614)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY GRAFF AND VICTOR GRAFF, 1115)
GLENCOE STREET, DENVER, COLORADO,)
FOR AN EXTENSION OF PERMIT NO. B-4138.)
-----)

APPLICATION NO. 10840-PP-Extension

November 9, 1950

Appearances: Ralph E. Grandell, Esq., Denver,
Colorado, for applicant;
William Bodan, Esq., Englewood,
Colorado, for Dick Alkeman,
Fred Schroeder, Jr., Fred
Schroeder, Clyde Persinger,
Phillip Bebbler, R. Bebbler.

S T A T E M E N T

By the Commission:

On October 9, 1950, applicants herein filed application for authority to extend operations under Permit No. B-4138 to include the right to transport trash for Save-A-Nickel Store, 2705 South Broadway, Englewood, Colorado, as a new customer to their present authority.

The matter was regularly set for hearing, and heard at 330 State Office Building, Denver, Colorado, November 2, 1950, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicants presently are the holders of Permit No. B-4138, which authorizes:

transportation of trash from point to point within the Cities of Aurora, Colorado, and Englewood, Colorado, their service to be limited to the stores of Miller's Groceteria Company at Aurora, Colorado, and King Soopers, Inc., at Englewood, Colorado.

It appears that applicants are serving the Save-A-Nickel Stores in Denver, and have been requested by said stores to take care of their Englewood Store.

Applicants stated they have ample equipment, and would like to perform this additional service for one of their Denver customers.

Paul Clayton, General Manager of Save-A-Nickel Stores in the Denver area, stated they were presently using applicants' service in Denver, and had found the service to be dependable, and that they were well equipped to take care of his stores' needs; that he came to the hearing for the purpose of securing applicants' proposed service; that he did not feel that the common carrier service in Englewood would meet his stores' requirements and needs.

Several protestants testified that they would like to have this business, and some had solicited the Save-A-Nickel Store for the business. However, none of them had served the store.

The evidence did not disclose, nor did it appear, that the proposed operation of applicants will tend to impair the efficiency of any motor vehicle common carrier with which applicants will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the application should be granted.


O R D E R

THE COMMISSION ORDERS:

That Henry Graff and Victor Graff, Denver, Colorado, be, and they hereby are, authorized to extend operations under Permit No. B-4138 to include as a customer, the Save-A-Nickel Store, located at 2705 South Broadway, Englewood, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Francis C. Horton
John R. Barry
Joseph C. Hecox
Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1950.

eh

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
VETERANS ZIP CAB COMPANY, A COLO-)
RADO CORPORATION, 28 EAST HAMPDEN)
STREET, ENGLEWOOD, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY)
-----)

APPLICATION NO. 10654

November 9, 1950

Appearances: Conant, Atencio, and Blackman, Esqs.,
3425 South Broadway, Englewood,
Colorado, for applicant;
Ralph Sargent, Jr, Esq., Denver, Colorado,
for Rocky Mountain Motor Company,
Yellow Cab Company;
Worth Allen, Esq., Denver, Colorado,
for Julius Bussard;
John Mueller, Esq., Denver, Colorado,
for Checker Cab, Zone Cab Company;
Kenneth L. Smith, Municipal Building,
Denver, Colorado, Utilities
Director, for City and County of
Denver, Colorado.

S T A T E M E N T

By the Commission:

On February 27, 1950, Veterans Zip Cab Company, a Colorado corporation, of Englewood, Colorado, filed its application for a certificate of public convenience and necessity for the transportation of passengers, on call and demand, by taxicab, between points in the City of Englewood, Colorado, and from and to points in the City of Englewood, Colorado, to and from points within a radius of ten miles of said City of Englewood, Colorado.

The matter was regularly set for hearing June 28, 1950, at which time hearing was held. Further hearing was set for July 10, 1950, and on that date, the matter was taken under advisement.

Thirty days were allowed parties at the hearing to file written arguments or briefs.

Formal protests were filed June 23, 1950, by Rocky Mountain Motor Company, and an amended protest on June 28, 1950, wherein they protest the granting of the above application, alleging that the granting

of the application would adversely affect the revenues of protestant Rocky Mountain Motor Company, and would subject protestant to unjustifiable and oppressive competitive conditions, and would be contrary to the interests of the public and the interests of the maintenance of a sound, dependable transportation system.

The City and County of Denver also, on June 22, 1950, protested the granting of the application, and asked that same be denied, insofar as it requests authority to operate a taxicab business within the territorial boundaries of the City and County of Denver.

At the hearing, it appeared that applicant was willing to restrict the application to a ten-mile radius of Englewood, excluding service entirely within the City and County of Denver.

With that understanding, the City and County of Denver withdrew appearance as a protestant, and entered appearance as its interests may appear.

William F. Hicks, President of applicant corporation, was duly sworn as a witness, and identified the following exhibits:

Exhibit 7, being copy of the Articles of Incorporation of Veterans Zip Cab Company, of Englewood, Colorado.

Exhibit 8, being the financial statement of applicant corporation.

Exhibit 9, being a statement or offer of place for office and dispatch station.

The exhibits disclosed that applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado.

The corporation, under its Articles of Incorporation, among other things, is authorized to conduct a taxicab business in Englewood, and area asked for in the application.

Exhibit 8 discloses that the amount of capital stock of the corporation is \$25,000.00, divided into 250 shares of the par value of \$100.00 per share; that the stockholders of the corporation are as follows:

William F. Hicks	83-1/3 shares
Oliver F. Hicks	83-1/3 shares
George A. Hicks	83-1/3 shares

Exhibit 9 discloses that applicant has made arrangements with one

J. W. Able, of Englewood, Colorado, for an office for the conduct of the proposed business.

It also appears from the testimony of Witness Hicks that applicant has made arrangements for the necessary insurance, and has contacted Majestic Motors, of Englewood, Colorado, for the purpose of purchasing taxicabs, and they have been assured that the corporation will be able to secure five cabs immediately.

Applicant has also filed with the Commission proposed rate schedule, which appears to be the same as that of other companies now operating in the area.

Several witnesses were called in behalf of applicant, and we would like to review some of the evidence given.

Joe Atencio, of Englewood, stated he was the supervisor of the recent census in Arapahoe County, and gave the following population figures:

Arapahoe County	51,668
Littleton	3,367
Sheridan	1,710
Englewood	19,680.

John H. March, who operates a retail collection agency in Englewood, stated that he had resided in Englewood since 1931, and that he used taxicabs occasionally; that on the times he had used taxicab service, he had found service poor, and complained of over-loading and delays; further, that he was taken to his destination by indirect routes. On cross-examination, he stated that he had not used taxicab service during the past thirty days.

Norene Connley, a resident of Englewood for the past six months, stated that she used taxicab service daily. She also complained of delays, and stated that on one occasion after being promised taxicab service, the taxi did not appear at all. She further complained of over-loading, and was especially critical of the service during the 1949 Christmas Holiday Season.

Ruth Connley, of Englewood, stated she used taxicab service regularly. She complained of service offered by the existing carriers.

Mrs. Mary Jones, a resident of Englewood for twenty years, stated she was presently working as a waitress in Denver. It appears that she

used Bussard's taxi service twice daily; that she found same generally slow, but during the past three weeks, the service had been satisfactory.

Other witnesses appeared for applicant who generally testified as to the delays in securing taxicabs, and they all seemed to feel that an additional taxicab company would improve Englewood's service.

Among other witnesses appearing was John Arnsworth, Secretary and Manager of the Englewood Chamber of Commerce, who stated that he seldom used taxicab service, but that his wife, on numerous occasions, used taxicab service to Denver. He stated that she had regular appointments with her doctor in the Republic Building, in Denver, and on several occasions she had arrived late. He felt that the service now offered to the residents of Englewood was not satisfactory.

Several witnesses testified on behalf of protestants, among whom were Charles A. Johnson, who operates Brookside Motel, near Englewood, and who stated that he had found service of Bussard Taxi satisfactory; that he and the guests of his motel used the service regularly, and especially during the winter months. He seemed to feel that there was ample service in Englewood, and that the presently-authorized carriers were doing an excellent job.

William Biggy, who operates a sixteen-unit motel in Englewood, stated he uses Bussard Taxi service personally, and on numerous occasions had called cabs for his guests; that the service had been satisfactory, and he felt that Bussard's service, together with the taxies from Denver, are adequate to take care of all needs.

Several other witnesses, viz., Julian Varner, Mrs. Laura Thompson, Mrs. Wendel, May Smith, Carl A. Specker, and William Holthouse, all testified that they were regular users of Bussard Taxi service, and had found same satisfactory.

Harold J. Thurston, proprietor of Zone Cab Company, Ed Dundon, of Checker Cab Company, A. K. Holmes, of Yellow Cab Company, operating under certificates of public convenience and necessity from this Commission, all protested the granting of the certificate to serve Denver from Englewood, maintaining that they are certificated to perform this service, and have

available equipment to handle this business.

Julius Bussard, who operates Bussard Taxi Service in Englewood, stated that he had, approximately a month ago, taken over the taxicab operation; that he had placed additional equipment in Englewood, and was endeavoring to give to the people of Englewood a fast and dependable service; that he did not feel that there was sufficient business in Englewood to justify the issuance of any further authority, and that the addition of another cab company in Englewood would make it very difficult for either company to remain in the picture and give a dependable service.

In considering the above application, we wish to acknowledge the briefs filed by the parties, however, we do not think that the record justifies the granting of additional taxicab service in Englewood. The record did not show any dearth of taxicab service. In fact, the evidence would indicate, in our judgment, that additional carriers would tend to impair the efficiency of service now offered.

It therefore appears to the Commission that the service of protestants is adequate, or can be made adequate under the direction of this Commission. Taxicab service is now available to the people of Englewood, and its surrounding territory. In view of the conclusion above reached, and inasmuch as the Commission is of the opinion, after careful consideration of the record, that presently-authorized service is adequate, or can be made adequate under the direction of the Commission, the Commission believes that the application should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That applicant has failed to show that public convenience and necessity require the proposed service.

That presently-authorized service in territory sought to be served by applicant is adequate, or can be made adequate under the direction of the Commission.

O R D E R

THE COMMISSION ORDERS:

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

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Joseph C. Hutton
Julius R. Barry
Joseph C. Hutton
Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. VIRGIL DONOVAN)
WRAY, COLORADO)
----- }

PERMIT NO. B-1576

November 15, 1950

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-1576 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 R. Virgil Donovan be, and he is hereby, authorized to suspend his operations under Permit No. B-1576 until May 8, 1951.

That unless said R. Virgil Donovan 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. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado
this 15th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN BURBANK)
4690 PIERCE STREET)
WHEATRIDGE, COLORADO)
-----)

PERMIT NO. B-2648

November 15, 1950

S T A T E M E N T

By the Commission:

On May 24, 1950, the Commission authorized John Burbank to suspend operations under his Permit No. B-2648 until November 6, 1950.

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

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-2648 should be, and the same hereby is, reinstated as of November 6, 1950.

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 November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLAUDE C. ROBB, WALSH COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 10583
AND NECESSITY.)
-----)

November 10, 1950

Appearances: Truman A. Stockton, Esq., Denver,
Colorado, and John H. Lewis, Esq.,
Denver, Colorado, for applicant;
J. Woodson Railey, Esq., Lamar,
Colorado, for Arthur L. Butt.

S T A T E M E N T

By the Commission:

By the instant application Claude C. Robb, Walsh, Colorado, seeks a certificate of public convenience and necessity for the transportation of gravel, sand, grain, broom corn and fodder from point to point in the territory included in the east twenty-six miles of Baca County, Colorado.

The application was set for hearing at the Court House in Lamar, Colorado, for October 23, 1950, and after due notice to all parties in interest was there heard and taken under advisement.

The evidence was to the effect that applicant formerly operated under a "C" Permit, which was canceled for failure to comply with the rules and regulations of the Commission. Since September, 1948, he has operated as a Common Carrier without obtaining authority from this Commission, and such operation has been his chief occupation. He admitted that most of his hauling could be done under a "C" permit, particularly the hauling of sand, gravel, and fodder, but he has not applied for a new permit since his original permit was canceled. He has hauled household goods without authority. He was first stopped by the Patrol in the spring of 1949, but paid a fine and filed no application for the proper authority; he was again stopped in August, 1949, and paid a second fine, and was later stopped for the third time. The instant application was not filed until March 31,

1950. He paid ton-mile tax a part of the time when operating under the "C" permit, but has paid no ton-mile tax in his other operations except when stopped at a port of entry. He admitted that in his part of Baca County the unauthorized carriers, of which he is one, have taken much of the business from the certificated carriers.

Applicant's only excuse for his failure to apply for the authority is that he was financially unable to do so, yet the evidence shows that he has paid two fines, has accumulated a net estate of \$6,000, and operates two trucks which cost him \$7,000, and are mortgaged for only \$2,600. He stated that during a part of the year the certificated carriers could handle all the available business, but could not do so during the rush season.

Applicant stated that he had received requests for service in the hauling of all the commodities mentioned in the application, however, the crops have been poor in Baca County this year, with no wheat and less broom corn than usual, and many of the farmers have purchased their own trucks, all of these factors resulting in a loss of business for the truckers.

The only customer witness presented by applicant was Wilbur W. Rich, a farmer residing ten miles south of Walsh. He has 2500 acres under cultivation, and uses eleven trucks of his own in handling his crops, and he hauls his own sand and gravel. During the rush season he formerly used the services of Arthur L. Butt, PUC No. 1478 and L. E. Walker, PUC No. 757, but had a disagreement with Butt and will no longer employ him. On a few occasions during the rush season he has not been able to get the services of these carriers promptly, and has used the unauthorized service of applicant at times and believes there is a need therefore. However, this year he expects to handle his own sand, gravel and broom corn, but may use applicant for hauling of stored crops which are not sold in season. He is opposed to any regulation of truckers, or the payment by them of any ton-mile tax.

In opposition, Arthur L. Butt, PUC No. 1478, testified that he owns four trucks and keeps two trucks extra for emergency service. He has sold one truck recently because of decrease in business, partly due to the fact that more farmers are buying trucks, and partly due to the operations

of unauthorized truckers such as applicant. There are at least five other certificated carriers with authority similar to that sought by applicant. The crop situation in Baca County this year is very poor. He has refused service at no time during more than a year last past, and even in the rush season he furnished service on a day's notice, and 90% of the time can furnish service promptly on demand. There are now 749 trucks licensed in Baca County, which has a population of 8,000. The use of trucks during the rush season has decreased materially due to the fact that the grain combine operators bring in their own trucks and insist on their use. There is no need for an additional common carrier in the territory applied for.

L. E. Walker, PUC No. 757, has thirteen licensed trucks and has operated in the territory since 1934. He cited the same reasons as given by Butt for the decrease in truck business, can handle all the business offered him with a delay of not more than twenty-four hours in the rush season, and is certain that the certificated carriers can handle all the truck business in the territory applied for.

This application must be denied for two reasons; first, we cannot condone the unlawful operations of applicant, extending over a period from September 1948 to date, in defiance of the rules and regulations of this Commission and the laws of the State of Colorado. He was repeatedly warned and fined, continuously deprived the State of the revenue from the ton-mile tax and in effect defied the authorities to do anything about it. We cannot consider him a fit and proper person to hold a certificate from this Commission; second, he has failed to show either by his own testimony or by an unbiased customer's evidence, required in case of protest, that public convenience and necessity require his proposed operation.

F I N D I N G S

THE COMMISSION FINDS:

For the reasons given in the above and foregoing statement, which by reference is made a part hereof, the Commission is of the opinion and finds that public convenience and necessity do not require the proposed operation of applicant and that his application should be denied.

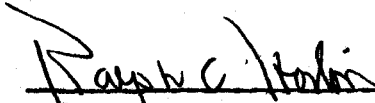
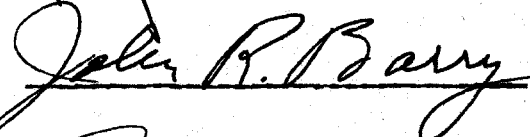

O R D E R

THE COMMISSION ORDERS:

That the instant application of Claude C. Robb 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




Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1950.

eh

signed

(Decision No. 35619)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE CLOSING BY)
CHICAGO, ROCK ISLAND AND PACIFIC)
RAILROAD COMPANY OF ITS PEYTON)
STATION IN EL PASO COUNTY, COLO-)
RADO, AS A NON-TELEGRAPH AGENCY)
STATION, AND THE SUBSTITUTION OF)
A CUSTODIAN AT SAID PEYTON STATION.)
-----)

APPLICATION NO. 10796.

At a General Session of The
Public Utilities Commission of
the State of Colorado, held at
its offices in Denver, Colorado,
November 10, 1950.

INVESTIGATION AND SUSPENSION DOCKET NO. 320

On October 3, 1950, Chicago, Rock Island & Pacific Railroad Company, by its attorneys, Hodges, Vidal & Goree, filed its petition under the Commission's General Order No. 34, requesting permission to close the said Railroad Company's non-telegraphic agency station in the Town of Peyton, El Paso County, Colorado, and substitute therefor a custodian station, and that such change be made effective on November 15, 1950.

As stated by the petition, business in recent years has been steadily declining; that the business consists mostly of carload shipments; that there is a very negligible amount of less-than-carload freight handled at Peyton; that the business is largely seasonal and there are periods during the year when practically no business moves either in or out of said station; that the business of said station requiring agency facilities can be handled at Calhan, which is ten (10) miles East from Peyton. It is proposed that a custodian can be obtained to look after the business of said station at a nominal salary and at much less expense than the continued employment of an agent.

According to applicant, the continued maintenance of an agent at the Peyton station will be unnecessary, unreasonable and wasteful, and that present and future public convenience and necessity do not, and will not, require the continuance of said non-telegraphic agency station.

The intention of applicant having become known to interested parties, the Commission received a protest signed by fifty-nine (59) residents of the Town of Peyton and the vicinity thereof, asking that no change be made in the service now maintained there by Chicago, Rock Island & Pacific Railroad Company.

It appears that the effective date of the proposed change in the agency status at Peyton, Colorado, might injuriously affect the rights and interests of the community and parties involved, and it is necessary to suspend the effective date of the substitution of said custodian service. The application and files in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 320 on the Commission's Docket.

F I N D I N G S

THE COMMISSION FINDS:

That the closing of the non-telegraphic agency station in the Town of Peyton, Colorado, and the substitution of a custodian station therefor by Chicago, Rock Island & Pacific Railroad Company should be suspended and an investigation had in the matter.

O R D E R

THE COMMISSION ORDERS:


That the effective date of the proposed closing of the non-telegraphic agency station in the Town of Peyton, Colorado, and the substitution of a custodian station therefor by Chicago, Rock Island & Pacific Railroad Company, be, and it hereby is, suspended for a period of one hundred and twenty (120) days from November 15, 1950, or until March 15, 1951, unless otherwise ordered.

That the matter of the proposed closing of the non-telegraphic agency station in the Town of Peyton, Colorado, and the substitution of a custodian station therefor by Chicago, Rock Island & Pacific Railroad Company, 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.

That Application No. 10796, originally assigned to the instant proceeding be, and it hereby is, closed, and all records and files of said Application be transferred to Investigation and Suspension Docket No. 320.

That a copy of this order be filed with Application No. 10796, and with Investigation and Suspension Docket No. 320, and copies served on Hodges, Vidal & Goree, Equitable Building, Denver, Colorado, attorneys for Chicago, Rock Island & Pacific Railroad Company; and Irma G. Duncan as Postmistress of the Town of Peyton, Colorado, and W. S. Sharp, Peyton, Colorado, whose name first appears on the petitioners' protest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Norton
John R. Barry
Jeffrey T. Kearney
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950.

ea

Original

(Decision No. 35620)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF GLENWOOD SPRINGS,)
COLORADO, A MUNICIPAL CORPORATION)
IN THE STATE OF COLORADO, FOR DE-)
FINITION OF AREA TO BE SERVED BY)
IT WITH WATER FOR DOMESTIC, LIMITED)
DOMESTIC IRRIGATION AND INDUSTRIAL)
PURPOSES OUTSIDE THE CORPORATE)
LIMITS OF SAID CITY, AND FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY COVERING SUCH AREA.)
-----)

APPLICATION NO. 10704

November 10, 1950

Appearances: C. H. Darrow, Esq., Glenwood Springs,
Colorado, for applicant;
J. R. Cross, Glenwood Springs, Colorado,
pro se;
J. M. McNulty, Denver, Colorado, for
the Commission.

S T A T E M E N T

By the Commission:

Applicant, the City of Glenwood Springs, a city of the second class duly organized and existing under the laws of the State of Colorado, herein seeks a certificate of public convenience and necessity to operate as a water utility, within certain defined territory outside its corporate limits.

The matter was set for hearing after due notice to all interested parties, at the Court House in Glenwood Springs on Friday, October 27, 1950, 10:00 a. m., and was there heard by the Commission and taken under advisement.

The City of Glenwood Springs owns and operates a municipal water plant serving customers both inside and outside the corporate limits of the City. The City has been rendering this water service for many years and is now desirous of defining the area outside the city limits that it will supply with water. The water supply is obtained from Grizzly and No Name Creeks with a decreed priority right totaling 20 cubic feet per second. The water system is a gravity type with storage facilities amounting to one and one-half million (1,500,000) gallons. The city also owns and operates a hydro-electric plant that uses about 12 cubic feet of water per second but there is still enough

water remaining for customers inside of the city and for distribution outside the city for domestic, limited domestic irrigation and industrial purposes under normal conditions.

The area outside the city to which applicant proposes to render water service has been gradually building up and the demand for water within this area has steadily increased. The city is willing to serve water to all who now have service and to all those applying in the future within this area, but only to the extent that the capacity of the existing water mains and available water will permit. When the capacity of the existing water mains has been reached, applicant does not propose to enlarge said mains to render water service but will permit additional water service within the area if the prospective customers pay the cost and expense of additional water lines or extensions necessary to furnish the additional service. This seems reasonable and in accord with extensive policies of other municipalities previously approved by this Commission. The City stated that it was not financially able to extend or enlarge its existing water lines outside its corporate limits and, in support of this claim, filed an exhibit showing the amount of water bonds issued and that will be outstanding as of December 31, 1950, as follows:

<u>Bond Issues</u>	<u>Date of Issue</u>	<u>Int. Rate</u>	<u>Amount of Issue</u>	<u>Amt. outstanding</u>
Refunding Bonds Series 1924	7-1-24	4 3/4%	130,000	26,000
Refunding Bonds Series 1939	1-1-39	3%	63,000	16,000
Refunding Bonds Series 1939	10-1-39	3%	26,000	16,000
Refunding Bonds Series 1942	4-1-42	2 1/2%	20,000	16,000
Water Extension Bonds 1947	2-1-47	1 3/4%	40,000	31,000
			<u>279,000</u>	<u>105,000</u>

The Commission has no jurisdiction over municipal utilities where they operate wholly within their corporate boundaries. The municipality has complete control of this operation including the setting of rates, accounting methods and financing. If the municipality serves as a public utility outside the corporate limits, then the Commission has jurisdiction as to that part of the operations outside the city limits. This situation has led to difficult problems in the past with some municipalities regarding rates, extension policies, tap charges, rules and regulations for this outside service. Where the municipalities have as their aim water service to their customers at fair and reasonable rates with no discrimination between inside and outside users, minor differences

regarding service have been easily adjusted and the water service has continued satisfactorily to all concerned.

One of the principal aims of the Commission is to see that utilities render their service in their certificated areas to all the public who desire that service at the lawfully filed rate and under the rules and regulations approved by the Commission. In the instant matter the City has stated that it desires to continue to serve existing customers and to give service to all future customers within the proposed area and within the limits of the city's ability to serve. We see no conflict in intent and purpose between applicant and the Commission in this instance. New customers of any utility must pay for the service they demand. Public utilities wholly under the Commission's jurisdiction have occasions where the customer pays the full cost of the enlargement or extension of a service facility as a "Contribution in Aid of Construction" or puts up the total or part of the cost for construction as an "Advance in Aid of Construction." In the later case, there is a provision whereby the customer may earn a rebate on his advance. The important thing is that the customer obtains the service without discrimination. The city has been informed of and is familiar with the Commission's accounting requirements in regard to handling such "Contributions" and "Advances" and is in agreement with such accounting practices. The city has further stated that they will submit for Commission approval prior to adoption, all rules and regulations, contracts or agreements regarding water service, main enlargements or extensions. The rates for water service pertaining to those customers residing outside the city limits are on file with this Commission and these rates will continue to apply until changed according to law.

Applicant submitted a map of the area it proposes to serve as Exhibit "A" attached to its application herein. This map outlines with a heavy black line the proposed area for service and also shows the present location of existing water mains. There are two classes of water mains shown on said map as follows:

- (1) Water mains owned and maintained by the city are shown in red;
- (2) Water mains supplied with water by the city but not owned or maintained by the city are shown in green. Both red and green lines lie within the proposed service area. Applicant further stated at the hearing

that there were three other privately owned and maintained lines not shown on this map and that probably one of these lines would be deeded over to the city to own and maintain. All present water service outside the city limits is within the boundaries as shown on the map.

Mr. J. R. Cross who lives south of Glenwood Springs, and who owns property within the proposed area of water service, appeared at the hearing in his own behalf. He stated he owns eight lots located about 300 feet from an existing water main and that he had applied to the city for water for the eight lots but had only been offered one 3/4 inch tap. The city was reluctant to give eight taps on their main as pressure on the line farther south from town is very low during peak usage.

The City is definitely faced with the necessity of determining the existing capacity of its present mains so that it can take a stand on the total number of taps to be permitted. The Commission realizes that the city finds itself in a difficult position in determining this stopping point due to the fact that all new applicants for water service object to being the first ones to have to pay for new mains. The Commission, however, does not want to see the water service impaired to existing customers as they should not be penalized by the addition of too many customers on an overloaded main.

At the hearing the City requested the Commission's aid in resolving the technical problems involved in determining the exact limits of its offer to serve from existing mains. The Commission, in times past, has lent its Staff to similar studies under like conditions and is willing to do so in this case. When the studies are completed and the maximum number of allowable taps on existing mains is determined, the City will not be obligated to add additional taps on these mains, and customers desiring service will be required to follow the extension policy proposed by the City if and when filed and as approved by the Commission. Similar procedure may be followed in the future as to the limitation on total customers to be served, as may be required by available water supply.

FINDINGS

THE COMMISSION FINDS:

- (1) That the City of Glenwood Springs is a water public utility in areas now served by it outside its municipal boundaries;

(2) That it is in the public interest to definitely define the territory that applicant is obliged to serve and to issue a certificate of public convenience and necessity therefor, for the reasons set out in the above and foregoing Statement, which Statement, by reference, is made a part hereof.

ORDER

THE COMMISSION ORDERS:

(1) That the City of Glenwood Springs is hereby authorized to serve as a water public utility in the territory set out in Paragraph 2, of this order, and this order shall be taken deemed and held to be a certificate of public convenience and necessity therefor.

(2) That the territory covered by applicant's certificate of public convenience and necessity be, and the same is hereby, defined as follows:

That part of the $S\frac{1}{2}NE\frac{1}{4}$ lying Westerly of the Roaring Fork River and North of the South line of the Town of Cardiff; that part of the $N\frac{1}{2}NE\frac{1}{4}$ lying Westerly of the Roaring Fork River; that part of the $NW\frac{1}{4}NW\frac{1}{4}$ and $E\frac{1}{2}NW\frac{1}{4}$ lying Northeasterly of a line 300 feet Southwesterly of the Colorado Midland Railroad right of way, all in Section 27.

Also, that part of the $SW\frac{1}{4}SE\frac{1}{4}$ and $SE\frac{1}{4}SW\frac{1}{4}$ lying Westerly of the Roaring Fork River; $NW\frac{1}{4}SW\frac{1}{4}$; that part of the $SW\frac{1}{4}SW\frac{1}{4}$ lying Northeasterly of a line 200 feet Southwesterly of the Colorado Midland Railroad right of way; that part of the $W\frac{1}{2}NW\frac{1}{4}$ lying Westerly of the Glenwood Irrigation Ditch as plotted, all in Section 22.

Also, that part of the $E\frac{1}{2}SE\frac{1}{4}$ lying Northeasterly of line 200 feet Southwesterly of the Colorado Midland Railroad right of way; that part of the $NE\frac{1}{4}$ lying East of the Colorado Midland Railroad right of way, all in Section 21.

Also, that part of the $SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ and $S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ lying East of the Colorado Midland Railroad right of way; $N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$ and $NW\frac{1}{4}NE\frac{1}{4}$; that part of the $NE\frac{1}{4}NE\frac{1}{4}$ lying West of the Glenwood Irrigation Ditch, all in Section 16.

Also, the $W\frac{1}{2}W\frac{1}{2}$, Section 15, West of the Glenwood Irrigation Ditch.

Also, Lots 1, 2, 3, 4, $E\frac{1}{2}$ of Lot 6, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ and that part of the $NW\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}NW\frac{1}{4}$ lying Easterly of Irrigation Ditch as plotted all in Section 9.

Also, that part of the $NE\frac{1}{4}$ lying Northerly of Irrigation Ditch as plotted in Section 8.

Also, the $S\frac{1}{2}SW\frac{1}{4}$ and that part of the $S\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}$ lying South of the Colorado River, all in Section 5.

Also, the $SE\frac{1}{4}SE\frac{1}{4}$ and that part $NE\frac{1}{4}SE\frac{1}{4}$ lying South of the Colorado River, all in Section 6.

All the above descriptions are situated in Tp. 6 S., R. 89 W. of the 6th P. M., and are more fully outlined by a heavy black line on a

map marked Exhibit "A" attached to the instant application, said map, by reference, being made a part hereof.


(3) That applicant shall continue to serve its customers outside the municipal limits under its rates, rules and regulations as now or hereafter on file with this Commission until changed according to law;

(4) That applicant shall set up, establish and maintain its accounts in accordance with the Uniform System of Accounts for water utilities adopted by this Commission, effective January 1, 1916, and revised to April 1, 1920, and any amendments thereto;

(5) That applicant shall, at all times, operate under and be governed by the Commission's Rules Regulating the Service of Water Utilities, second revised issue effective August 1, 1949, as adopted by this Commission, except as those Rules may be modified by rules and regulations filed by the City and approved by the Commission;

(6) That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Robert C. Hutton
John R. Barry
Walter C. Crowley
Commissioners

Dated in Denver, Colorado,
this 10th day of November, 1950.

eh

Original

(Decision No. 35621)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. FLOYD GREGG AND GLEN W. MC FALL,)
DOING BUSINESS AS VALLEY AIR SERVICE,)
C/O MUNICIPAL AIRPORT, GRAND JUNC-)
TION, COLORADO, TO TRANSFER CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECES-)
SITY TO RADER FLYING SERVICE, INC.,)
GLENWOOD SPRINGS, COLORADO)
-----)

APPLICATION NO. 10823-Transfer

November 10, 1950

Appearances: Haynie & Hotchkiss, Grand Junction,
Colorado, for applicant;
W. F. Bridgemen, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 27752, of date March 15, 1947, authority was granted to J. Floyd Gregg and Glen W. McFall, co-partners, doing business as "Valley Air Service," to operate as a common carrier by airplane in interstate and intra-state commerce, for the transportation of persons and property not on schedule, but on call and demand, from, to and between all points in the State of Colorado, with the proviso and limitation that either the point of departure or the point of destination of all flights shall be within a radius of one hundred miles of Grand Junction, Colorado; and that applicants shall not establish an office or branch, for the purpose of developing business, at any town, place, or city, other than Grand Junction and nearby Walker Field, (Municipal Airport), and other airports, if any, in Mesa County, Colorado.

By the instant application said J. Floyd Gregg and Glen W. McFall co-partners, seek authority to transfer to Rader Flying Service Inc., a Colorado Corporation, all of their operating rights described in said Decision No. 27752, aforesaid.

The application was set for hearing at the Court House, Grand Junction, Colorado, October 26, 1950, and after due notice to all parties in interest was there heard and taken under advisement.

J. Floyd Gregg testified that the consideration for the transfer is \$8,500, all of which has been paid. The consideration does not include any equipment but does include the transferors' equity in a lease on buildings at the Municipal Airport, at Grand Junction.

Cranston Rader, President of the transferee corporation, testified that he has been operating in aviation since 1938, was trained as an army pilot, and was a fixed-base operator for five years. He gave the net worth of his company as \$50,000, and the company owns three aircraft, described in Exhibit "A", attached to the application.

Both the parties testified that there was no indebtedness against 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 outstanding indebtedness if any.

O R D E R

THE COMMISSION ORDERS:

That J. Floyd Gregg and Glen W. McFall, co-partners, doing business as "Valley Flying Service," be, and they hereby are, authorized to transfer all their operating rights described in Decision No. 27752, of date March 15, 1947, to Rader Flying Service Inc., a Colorado corporation, subject, however, to 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, and the payment by them or transferee of all unpaid ton-mile tax.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



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

Dated at Denver, Colorado,
this 10th day of November, 1950.

eh

Original

(Decision No. 35622)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GEORGE BUNTE JR., PALISADE, COLO-)	
RADO, FOR AN EXTENSION OF PERMIT)	APPLICATION NO. 10825-Extension
NO. B-2174.)	
-----)	

November 10, 1950

Appearances: George Bunte Jr., Palisade,
Colorado, pro se;
Eugene H. Mast, Esq., Grand
Junction, Colorado, for
William R. Hall Transfer and
Storage;
T. A. White, Esq., Denver, Colo-
rado, and Ralph Turano,
Denver, Colorado, for Rio Grande
Motorways Inc.;
C. J. Schuler, Telluride, Colorado,
for Telluride Transfer Company.

S T A T E M E N T

By the Commission:

By Decision No. 12028 of date June 15, 1938, George Bunte Jr., Palisade, Colorado, was authorized to operate as a class "B" private carrier by motor vehicle for hire, for the transportation of fruit from point to point within a radius of four miles of Palisade, Colorado; coal from point to point within a radius of three miles of Palisade, with the right, however, to transport such coal to Grand Junction, provided, however, that no fruit or coal shall be transported between Palisade and Collbran, Colorado; and also the right to transport fertilizer from Mack, Colorado, from points within a radius of fifty miles thereof.

Permit No. B-2174 was assigned to the operation.

By Decision No. 26271, of date July 19, 1946, said George Bunte Jr., was authorized to extend his operation under said permit No. B-2174, to include the transportation of coal from point to point within a twenty mile radius of Palisade, Colorado, excluding the Plateau Creek Canyon area therefrom; fruit growers' supplies, including farm machinery, farm produce, fertilizer, used lumber, sand, gravel, and cement, from point to point within a radius of ten miles of Palisade, Colorado, without the right to engage in town to

town service in competition with line-haul motor vehicle common carriers.

By the instant application said George Bunte Jr., seeks a further extension of said permit No. B-2174, to include the transportation of crude ore and ore concentrates from point to point within a radius of seventy-five miles of Palisade, Colorado

The application was set for hearing at the Court House in Grand Junction, Colorado, for October 26, 1950, and after due notice to all parties in interest, was there heard and taken under advisement.

Applicant testified that he had been requested to haul crude ore and ore concentrates from their mines in the Gateway and Calamity Hill areas to the mills in Grand Junction, Rifle, and Uravan, Colorado, by the following parties: Ben Zimmerman, Robert Zimmerman, Alfred M. Carrico, A. F. Carrico, Elsie Carrico, Blair Burwell, H. C. Gamblin, Floyd Hamrick, and Ray Brown. A list of his equipment is on file. He stated that there are not sufficient operators in the area involved to properly handle the transportation of ore and concentrates.

Protestants stated that they have no objection to the granting of the authority as limited in the following order.

The Commission is satisfied that applicant is financially and otherwise qualified to conduct the operation and that the authority sought, as limited, is needed by his customers.

F I N D I N G S

THE COMMISSION FINDS:

That the application should be granted, as limited in the following order.

O R D E R

THE COMMISSION ORDERS:

That George Bunte Jr., be, and he hereby is, authorized to extend his operations under Permit No. B-2174, to include the transportation of carnotite ore and concentrates only, from point to point within that part of Mesa County and Garfield County, only, which is included within a seventy-five mile radius of Palisade, Colorado, excluding any service within San Miguel County, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond C. Johnson
John R. Barry
Charles H. Zerkow
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
GRAND VALLEY GAS COMPANY (GRAND)
VALLEY PIPELINE COMPANY), 307 FIRST)
NATIONAL BANK BUILDING, DENVER,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 10394
SUPPLEMENTAL ORDER

November 10, 1950

Appearances: Tippit, Haskell and Welborn, Esqs.,
Denver, Colorado, for applicant;
William Atha Mason, Esq., Rifle,
Colorado, for Town of Rifle,
Colorado;
Lee, Bryans, Kelly and Stansfield,
Esqs., Denver, Colorado, for
Public Service Company of Colo-
rado;
O. F. Bridwell, Denver, Colorado,
for The Colorado & New Mexico
Coal Operators Association.

S T A T E M E N T

By the Commission:

On February 20, 1950, Grand Valley Gas Company, applicant herein, by Decision No. 34290, was granted a certificate of public convenience and necessity.

On February 23, 1950, the Town of Rifle, Colorado, by its attorney, William Atha Mason, filed a Petition for Rehearing, and on March 11, 1950, Public Service Company of Colorado filed "Protest of Public Service Company of Colorado to the Granting of a Certificate of Public Convenience and Necessity for the Construction of the Proposed Pipeline Described in the Application herein, and Application for a Rehearing, or in the Alternative, that the Order of the Commission herein Made and Entered on the 20th day of February, 1950, be Set Aside and for Naught Held."

On March 1, 1950, by Decision No. 34329, the Commission

issued a Supplemental Order, wherein it found that oral argument should be held on Petition for Rehearing and Answer thereto, said oral argument being set for hearing at ten o'clock A. M., March 11, 1950, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

The above matter, at the request of all parties of record --- that is, the applicant, Public Service Company of Colorado, and the Town of Rifle --- was held in abeyance.

On November 8, 1950, Public Service Company of Colorado, by its attorneys, filed "Motion to Dismiss Protest of Public Service Company of Colorado to the Granting of a Certificate of Public Convenience and Necessity for the Construction of the Proposed Pipeline Described in the Application Herein, and Application for a Rehearing, or in the Alternative that the Order of the Commission Herein Made and Entered on the 20th day of February, 1950, Be Set Aside and for Naught Held."

On the same date, the Town of Rifle, by its attorney, filed "Motion to Withdraw Petition for Rehearing."

Also, on the same date, being November 8, 1950, the petitioner herein filed a petition, asking that Grand Valley Pipeline Company, a Colorado corporation, be substituted as Applicant in the above-entitled proceedings, and for the issuance of an amended certificate of public convenience and necessity to said Grand Valley Pipeline, as more particularly set forth in its amended application.

The Commission has examined the files in the instant matter, and it appears to us that for the purpose of clarifying the issues, Public Service Company of Colorado should be permitted to withdraw its protest in Application No. 10394, and that the Town of Rifle should also be permitted to withdraw its petition for rehearing.

It now appears that the applicant desires to file an amended application, and it appears to the Commission that this it should be permitted to do, and that said Application No. 10394, amended should be set down for hearing; also, that the protest of The Colorado & New

Mexico Coal Operators Association should be permitted to stand as a protest to the amended application.

F I N D I N G S

THE COMMISSION FINDS:

1. That "Grand Valley Pipeline Company," a Colorado corporation, should be substituted in lieu of "Grand Valley Gas Company," as applicant herein.
2. That motion of Public Service Company of Colorado to withdraw its protest in Application No. 10394 should be granted.
3. That motion of the Town of Rifle, Colorado, permitting it to withdraw Petition for Rehearing and protest, should also be granted.
4. That applicant should be permitted to file its amended application.
5. That protest and intervening petition of The Colorado & New Mexico Coal Operators Association should be permitted to remain in the files as a protest to the amended application.

O R D E R

THE COMMISSION ORDERS:

1. That "Grand Valley Pipeline Company," a Colorado corporation, should be, and hereby is, substituted as applicant herein, in lieu of "Grand Valley Gas Company."
2. That motion of Public Service Company of Colorado to withdraw its protest in the instant application should be, and the same hereby is, granted.
3. That motion of the Town of Rifle, Colorado, permitting it to withdraw Petition for Rehearing and protest herein, should be, and the same hereby is, granted.
4. That applicant is hereby authorized to file its amended application.
5. That protest and intervening petition of The Colorado & New Mexico Coal Operators Association is hereby permitted to remain in the files as a protest to the amended application.
6. That the matter should be, and the same hereby is, set for

hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, Friday, December 1, 1950, at ten o'clock A. M.

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 C. Hecox
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1950.

mW

original

(Decision No. 35624)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
UNTA GAS COMPANY FOR AN ORDER)
PRELIMINARY TO THE ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

APPLICATION NO. 10513.

November 10, 1950

Appearances: Tippit, Haskell and Welborn,
Esqs., Denver, Colorado,
for applicants.

STATEMENT

By the Commission:

The Commission is in receipt of "Motion to Dismiss"
the above-styled matter, filed by applicant, by its attorneys.

FINDINGS

THE COMMISSION FINDS:

That said motion should be granted.

ORDER

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby
is, dismissed, at request of applicant.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
Julius B. Barry
Joseph C. McCool
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO,
A CORPORATION, FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO
CONSTRUCT AND OPERATE A PIPELINE FOR
THE TRANSMISSION OF NATURAL GAS.

APPLICATION NO. 10512.

November 10, 1950

Appearances: Lee, Bryans, Kelly and Stansfield,
Esqs., Denver, Colorado,
for applicant;
Tippit, Haskell and Welborn, Esqs.,
Denver, Colorado, for Grand
Valley Pipeline Company.

STATEMENT

By the Commission:

The Commission is in receipt of "Motion to Dismiss" in
the above-styled matter, filed by applicant, by its attorneys, Lee,
Bryans, Kelly and Stansfield.

FINDINGS

THE COMMISSION FINDS:

That said motion should be granted.

ORDER

THE COMMISSION ORDERS:

That the above-styled application should be, and the same
hereby is, dismissed, at request of applicant.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Watson
John P. Barry
Edith M. McClellan
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM B. BARNES, DBA "THE GLACIER)
ROUTE," BOX 853, BOULDER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY FOR THE TRANSPORTATION OF)
PASSENGERS AND BAGGAGE, NEWSPAPERS, AND)
EXPRESS BETWEEN BOULDER, COLORADO, AND)
RAYMOND, COLORADO, VIA COLORADO HIGHWAYS)
119 AND 160 SERVING ALL INTERMEDIATE)
POINTS ON SAID HIGHWAY.)
-----)

APPLICATION NO. 8682

November 10, 1950

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named applicant filed an application with the Commission designated as Application No. 8682, on June 5, 1947, for a certificate of public convenience and necessity to operate a passenger service. Hearing thereon was held at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on September 23, 1947, and on December 8, 1947, the Commission entered its order, Decision No. 29474, granting the following authority:

"Transportation, on schedule, of passengers and baggage, newspapers and express, between Boulder, Colorado, and Raymond, Colorado, via Colorado Highways Nos. 119 and 160, serving all intermediate points on said highways, with the proviso that express parcels shall be limited to shipments not to exceed 25 pounds in weight, and that the tariff of applicant must publish rates and charges for the movement thereof that are more than 120% of the published tariff of line-haul freight carriers operating over the same route or routes,"

subject, however, to the completion by applicant of certain requirements, including the filing of insurance certificate, tariff, description of equipment, or other documents specified by law and in the Commission's Rules and Regulations, and the payment of required fees and deposits.

Applicant has been duly notified by this Commission of his failure to complete requirements necessary for issuance of formal operating authority in one or more of the respects hereinbefore set forth.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 29474 of date December 8, 1947, should be set aside and held for naught.

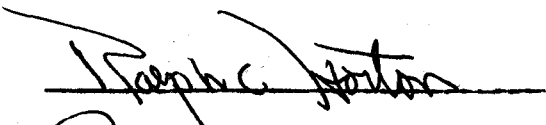
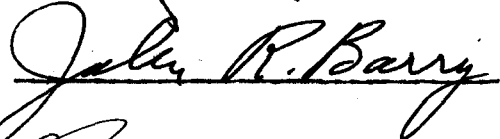

O R D E R

IT IS ORDERED:

That Decision No. 29474 of date December 8, 1947, should be, and hereby is, set aside and held for naught.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1950.

eh

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF PRACTICE)
AND PROCEDURE GOVERNING MATTERS BEFORE)
THE PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO.)
-----)

CASE NO. 5022.

November 10, 1950

S T A T E M E N T

By the Commission:

By General Order No. 49, dated May 24, 1937, effective June 1, 1937, and Revised General Order No. 49, effective November 1, 1945, this Commission adopted and promulgated Rules of Practice and Procedure. Other General Orders, Administrative Rulings, and Emergency Orders have been issued from time to time covering other matters of substance and procedure.

It is now deemed necessary that the Rules of Practice and Procedure and General Orders governing matters before this Commission be amended in certain respects, and re-compiled for issuance to the public. To that end, this case is now being instituted in order to afford an opportunity to interested utilities, carriers, associations, attorneys and others to make suggestions and objections to the proposed new set of rules, a copy of which is attached to this order.

O R D E R


IT IS THEREFORE ORDERED:

1. That an investigation be made by the Commission on its own motion into the matter of the Rules and Regulations Governing Matters of Practice and Procedure before the Commission.
2. That the Rules and Regulations attached to this order are substantially the Rules which the Commission proposes to adopt.
3. That a public hearing shall be held in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on Friday,

November 24, 1950, beginning at ten o'clock A. M., at which time all persons desiring to suggest changes, additions or deletions in the proposed Rules may be heard.

4. That copies of all such changes, deletions or additions be given to the Secretary of the Commission at least five days prior to the hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Hoton
Julius R. Barry
Joseph C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950.

ea

(Decision No. 35628)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE
RULES OF PRACTICE AND
PROCEDURE GOVERNING
MATTERS BEFORE THE PUB-
LIC UTILITIES COMMISSION
OF THE STATE OF COLO-
RADO.

CASE NO. 5022.

December 11, 1950

STATEMENT

By the Commission:

By General Order No. 49, dated May 24, 1937, effective June 1, 1937, and Revised General Order No. 49, effective November 1, 1945, this Commission adopted and promulgated Rules of Practice and Procedure. Other General Orders, Administrative Rulings, and Emergency Orders have been issued from time to time covering other matters of substance and procedure.

It was deemed necessary that the Rules of Practice and Procedure and General Orders governing matters before this Commission be amended in certain respects, and re-compiled for issuance to the public. To that end, this case was instituted by the Commission on its own motion, and on November 24, 1950, a public hearing was held on proposed new Rules of Practice and Procedure.

After consideration of the record made at the hearing, and the suggestions made by counsel and the utilities, and after careful consideration of the Public Utilities Act, the Common Carrier Act, the Motor Vehicle Carrier Acts, and all amendments thereto, as well as the Colorado Rules of Civil Procedure, and pursuant to the provisions thereof, the Commission hereby promulgates, adopts, approves, and issues its revised "Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado," which Rules are attached hereto and by reference made a part of this Order.

ORDER

IT IS ORDERED:

That revised Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado be, and the same are hereby promulgated, adopted, approved, and issued, and shall hereafter be designated as "Rules of Practice and Procedure Before The Public Utilities Commission of the State of Colorado."

It is Further Ordered, that all General Orders and all Revisions thereof previously issued by this Commission, as well as all so-called "Administrative Rulings," and "Emergency Orders," shall be and are hereby declared to be revoked and cancelled and shall henceforth be void and of no effect, all matters previously covered thereby now being governed by these Rules, or the Substantive Rules applicable to the various carriers and utilities.

It is Further Ordered, that this order shall become effective December 31, 1950, and that these Rules of Practice and Procedure shall become effective on January 1, 1951.

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 December, 1950.

Attest: J. J. Mahoney,
Secretary

Paul M. Hupp,
Attorney

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RULES OF PRACTICE AND PROCEDURE BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

(References to the Public Utilities Act are to Sections of Chapter 137, 1935 Colorado Statutes Annotated, reprinted in the back of this pamphlet)

RULE 1

Scope of Rules

(a) **Procedure Governed.** These Rules shall govern all practice and procedure before The Public Utilities Commission of the State of Colorado (hereinafter referred to as the "Commission") unless otherwise ordered by the Commission in any proceeding, and subject to such special rules or amendments which may hereafter be adopted.

(b) **Other Rules Applicable.** In addition to these Rules, all carriers and other utilities should consult the substantive Rules and Regulations governing particular utilities for information as to procedure in matters relating primarily to that utility.

RULE 2

Liberal Construction

These Rules shall be liberally construed to secure just, speedy and inexpensive determination of all issues presented to the Commission.

RULE 3

Communications

(a) **Address of Commission.** All correspondence with the Commission shall be addressed to The Public Utilities Commission, 318 State Office Building, Denver 2, Colorado, and not to individual members of the Commission's staff, unless otherwise specifically ordered.

(b) **One Subject in Letter.** Letters should embrace but one subject. Writing about different subjects in the same letter causes delay, since the subject matter may have to be referred to different departments of the Commission.

(c) **Address of Writer.** Every holder of a certificate or permit issued by the Commission, when addressing communications to the Commission, should use the name and address shown on the certificate or permit and give the number thereof. When the subject matter pertains to a pending docket, the name and address of applicant and the docket number should be given.

RULE 4

Secretary as Custodian of Files; Dockets

(a) **Secretary Is Custodian.** The Secretary of the Commission is designated as custodian of the property and files, and keeper of the records of the Commission, and will upon request furnish such blank forms as are prescribed by the Commission. Copies of pleadings on file, and orders and decisions of the Commission will be furnished upon payment of the statutory fees therefor.

(b) **Numbers Assigned to Proceedings.** The Secretary of the Commission shall assign to each formal proceeding a number which the parties shall place on all subsequent papers filed in such proceedings.

(c) **Division of Docket.** The formal docket of the Commission shall be divided into the following divisions and designations: "Formal Complaint;" "Application;" and "Investigation and Suspension;" and the numbers assigned upon the commencement or institution of proceedings thereunder shall be in consecutive order. Investigations instituted by the Commission on its own motion shall be classified upon the "Formal Complaint" or "Investigation and Suspension" docket.

RULE 5

Fees and Remittances

All fees or other remittances due the Commission shall be made payable by draft, check, or money order to "Colorado Public Utilities Commission," and sent to the Commission at the State Office Building, Denver 2, Colorado.

RULE 6

Parties

Parties to proceedings before the Commission shall be styled applicants, petitioners, protestants, interveners, complainants or respondents according to the nature of the proceeding and the relationship of the parties thereto, as follows:

(a) **Applicants.** Persons applying for any authority from the Commission shall be styled "applicants."

(b) **Petitioners.** Persons applying to the Commission for affirmative relief shall be styled "petitioners."

(c) **Protestants.** Persons opposing applications or petitions shall be styled "protestants."

(d) **Interveners.** Persons admitted to intervene as hereinafter provided shall be styled "interveners."

(e) **Complainants.** Persons who complain to the Commission of any act or omission by any person shall be styled "complainants."

(f) **Respondents.** Persons against whom any complaint is filed or investigation is started shall be styled "respondents."

(g) **Staff.** The Commission's staff may appear at any hearing and shall have all rights of participation as a party to the proceeding, and if counsel is desired, the attorney for the Commission shall represent the staff.

RULE 7

Appearances

(a) **Rights of Parties.** At any hearing, all parties named in the preceding Rule who are directly affected by the proceeding, shall be entitled to enter an appearance, to introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding.

(b) **Who May Represent Parties.** Appearances and representation of parties shall be made as follows:

(1) An individual may appear and be heard in his own behalf.

(2) A co-partnership may appear and be represented by a co-partner.

(3) A corporation may appear and be represented by a corporate officer or full-time employee of such corporation.

(4) A municipal corporation may appear and be represented by a duly authorized officer, agent, or employee of such municipality.

and the time and place of such sale, either by personal notice or by letter addressed and properly mailed to him, which said notice shall be given at least twenty-four (24) hours before said sale, if the consignee, or owner, or agent of him, so notified shall reside at the place where such goods are; but if the person to be so notified of such sale reside at a distance, then the time of such sale shall be so appointed in said notice as to allow him, in addition to the twenty-four (24) hours above mentioned, a reasonable length of time to claim said goods, or to attend such sale; and if, upon reasonable inquiry, the residence of such consignee, owner or agent cannot be learned, then upon affidavit of such carrier, commission merchant or warehouseman, or some person in his or their behalf, to be filed and preserved by the carrier, commission merchant or warehouseman, and by them to be produced and exhibited to any person claiming an interest in the goods sold, or to be sold, as aforesaid, such goods, merchandise and other property may be sold as aforesaid without notice. (G. S., §3437; G. L., §1869; L. '74, p. 306, §6; R. S. '08, §6898; C. L., §4049.)

§25. Freight not called for in ninety days may be sold—Twenty days' publication—Surplus.—If no person having a right thereto call for said goods, merchandise or other property, within ninety days from the receipt thereof, and pay freight and charges thereon, it shall be lawful for such carrier, commission merchant or warehouseman, to sell such goods, merchandise or other property, or so much thereof, at auction to the highest bidder, as will pay said freight and charges, first having given twenty days' notice of the time and place of sale to the owner, consignee or consignor, if known, and by advertisement in a daily paper (or if in a weekly paper, four weeks), published where such sale is to take place; and if any surplus be left after paying freight storage, cost of advertising, and all other just and reasonable charges, the same shall be paid over to the rightful owner of said property at any time thereafter, upon demand being made therefor, within ninety (90) days. (G. S., §3433; G. L., §1865; L. '74, p. 304, §2; R. S. '08, §6894; C. L., §4045.)

§26. Surplus, when not called for, paid into treasury, subject, etc.—If the rightful owner or his agent fail to demand such surplus within ninety (90) days of the time of such sale, then said surplus shall be paid into the county treasury, subject to the order of the owner; and if the owner do not demand such money of the county treasurer within one (1) year, then the same shall be forfeited and paid to the general school fund of the county. (G. S., §3434; G. L., §1866; L. '74, p. 305, §3; R. S. '08, §6895; C. L., §4046.)

§27. When carrier's liability ceases—Liability of warehouseman.—After the storage of goods, merchandise or property, as herein provided, the responsibility of the carrier shall cease, nor shall the person with whom the same may be stored be liable for any loss or damage on account thereof, unless the same shall result from his negligence or want of proper care. (G. S., §3435; G. L., §1867; L. '74, p. 305, §4; R. S. '08, §6896; C. L., §4047.)

§28. Commissionman—Warehouseman—May sell in 90 days—Publication.—When any commission merchant or warehouseman shall receive on consignment, or on storage, produce, merchandise, or other property, and shall make advances thereon, either to the owner, or for freight and charges, and no time be agreed upon for the repayment of the same, it shall be lawful for the person who makes such advances, if the same be not paid to him within ninety (90) days from the date of such advances, to cause the produce, merchandise or property on which the advances were made to be advertised and sold as provided in section 25 of this chapter; and if a time for the repayment of such charges be agreed upon, then such notice of sale may be made immediately upon default of such payment. (G. S., §3436; G. L., §1868; L. '74, p. 305, §5; R. S. '08, §6897; C. L., §4048.)

§29. Perishable goods—Notice—Sale—Notice to owner—Affidavit—Sale without notice.—In case the goods, merchandise, or other property referred to in the preceding sections, shall consist of articles which will perish, or become greatly damaged by delay in disposing of the same, then it shall be lawful for such carrier, commission merchant or warehouseman, unless the charges on such goods are paid, and they are claimed and taken away, to sell all of the same, either at auction or at private sale, for the best price that may reasonably be obtained therefor, and to dispose of the proceeds of such sale as provided in section 25 of this chapter; provided, always, that before any such sale is made notice shall be given to the owner, or consignee, or the agent of him, of the intent to so sell and dispose of such goods, merchandise or other property,

(5) An unincorporated association may appear and be represented by any bona fide general officer or full-time employee of such association.

(6) Any party to a proceeding may appear and be represented therein by an attorney at law, duly admitted to practice, and in good standing, before the highest court of any state, and in rate matters, any party may be represented by a Practitioner duly admitted to practice before the Interstate Commerce Commission.

(c) **Withdrawal of Attorney.** Any attorney of record wishing to withdraw from a proceeding before this Commission shall, in writing, immediately notify the Commission, or the presiding officer, and the party whom he represents.

(d) **Ethical Conduct Required.** Any person appearing in a proceeding shall conform to the recognized standards of ethical conduct.

RULE 8

Interventions

(a) **When Leave to Intervene Necessary.** Persons not directly affected by the proceeding shall secure an order from the Commission granting leave to intervene before being allowed to participate.

(b) **Form and Contents of Petition.** Petitions for leave to intervene must be in writing and must clearly identify the proceeding in which it is sought to intervene by title, file and docket number, set forth the name and address of the petitioner, a clear and concise statement of the interest of petitioner in such proceeding, the manner in which such petitioner will be affected by such proceeding, a statement of the matters and things relied upon by such petitioner as a basis for his request to intervene in such cause, and if affirmative relief is sought, a clear and concise statement of relief sought and the basis therefor, together with a statement as to the nature and quantity of evidence petitioner will present if such petition is granted.

(c) **When Petitions Must Be Filed.** Intervening petitions and proof of service of copy thereof on all other parties of record should be filed within five days after receiving notice of the filing of an application, or if no notice is received, not less than five days prior to the date set for hearing and, if filed thereafter, shall state a substantial reason for such delay, otherwise such petition will not be considered.

(d) **When Petition Will Be Granted.** If an intervening petition shows substantial interest in the subject matter of the proceeding or any part thereof and does not unduly broaden the issues, the Commission or the hearing officer may grant the prayer for leave to intervene and thereupon the intervener shall become a party to the proceeding with respect to the matters set out in his intervening petition and be subject to such reasonable conditions as may be prescribed.

RULE 9

Pleadings

(a) **Pleadings Enumerated.** Pleadings before the Commission shall be styled as applications, petitions, complaints, cross-complaints, answers, replies, protests, and motions.

(b) **Form and size of Pleadings.** Pleadings shall be typewritten or printed, properly entitled, filed in triplicate, and signed by the appropriate authorized individual or officer. All pleadings shall be on paper approximately

8½x13 inches in size, shall state the name and address of each party thereto, shall clearly identify the proceeding by title, file and docket number, and shall set forth a clear and concise statement of the matters relied upon as a basis for such pleading, together with an appropriate prayer, when relief is sought.

(c) **Amendments to Pleadings; Construction.** The Commission may, in its discretion, allow any pleadings to be amended or corrected or any omission therein to be supplied. Pleadings will be liberally construed and defects which do not affect substantial rights of the parties will be disregarded.

(d) **Petitions for Rehearing.** Petitions for Rehearing shall set forth specifically the ground or grounds upon which petitioner considers the order, decision, rule, direction, or regulation to be unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence such petitioner will offer if rehearing is granted.

(e) **Protests.** Any person who may be affected by the granting of a certificate or permit to an applicant shall have the right to file his written protest (in duplicate) to the granting of such certificate or permit, or, in the discretion of the Commission, be heard as a protestant without written pleadings.

(f) **Answers.** Whenever a complaint is filed with the Commission setting forth a violation or omission by any utility or carrier subject to Commission jurisdiction, an order will be entered requiring the respondent to satisfy or answer the complaint. Any party against whom such a complaint or petition is directed who desires to defend or contest the same or make any representation to the Commission in connection therewith, may file in duplicate with the Commission a written answer thereto within ten (10) days after service of said complaint or petition upon him, unless for good cause, the Commission extends the time within which answer may be made. Answers shall be so drawn as to advise the Commission and all parties of record fully and completely of the nature of such answer and shall specifically admit or deny in detail all material allegations of the complaint or petition. Matters alleged by way of cross-complaint or affirmative defense shall be separately stated and numbered. A sample form appears as Appendix B hereto.

(g) **Replies.** A complainant or petitioner desiring to reply to an answer shall file the same in duplicate with the Commission within five (5) days after service of answer.

(h) **Service of Pleadings.** If the Commission so orders in any particular case, a copy of all applications, petitions, complaints and other papers designated by the Commission, must be served by the party filing same on all persons whom the Commission determines may be affected by the proceeding. In such case, the proof of service must be made by affidavit in accordance with Section 45 (c) of Chapter 137, 1935 C. S. A.

After any proceeding has been instituted, all answers, motions and subsequent papers filed by any party must be served on all parties of record concurrently with the filing thereof, and proof of service filed, in accordance with said Section 45 (c).

If the Commission so orders in any particular case, persons requesting continuances, postponements, setting or resetting of hearings may be required to prepare copies of the Commission's order entered pursuant to such request, and serve same on all parties of record and such other persons as the Commission may determine to be affected by the order.

person be denied the immediate custody of the dog while riding upon a common carrier; provided the dog shall be securely muzzled. (L. '41, p. 343, §1.)

§22. **Accident resulting in death or injury—Notice—Investigation—Expense.**—Every common carrier shall, whenever an accident attended by bodily injury or loss of human life occurs in this state on its line of road or on its ground or in its yards, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it shall deem the public interest to require it, shall cause a suitable investigation to be made forthwith, and shall give reasonable notice thereof to the person and common carriers primarily interested. The expense of such investigation shall be certified by a majority of the commission and shall be audited and paid by the state in the same manner as other expenses are audited and paid. The commission shall be empowered to make and enforce such rules as, in their judgment, will tend to prevent accidents in the operation of the railroads of this state. (L. '10, p. 63, §26; amending R. S. '08, §5471; C. L., §2999.)

§23. **Commission order improvement in road and equipment.**—If, in the judgment of the commission, after a careful personal examination and investigation, and after a hearing before the commission, or the opportunity for such hearing, the commission shall find that repairs, improvements or increased facilities in respect to road-bed, trackage, rolling stock, stations and depots, yards, terminal facilities, switches, signals, or any other element of the service of any common carrier, shall be necessary and within the reasonable power of any common carrier to make, or adopt, for the promotion of the security of persons as to life and limb, or for the convenience and accommodations of the public in the shipping and handling of property, the commission shall make such reasonable order requiring any common carrier to do any such thing deemed by the commission to be proper in respect to such matters, within a reasonable time to be fixed by the commission, as to them shall seem so necessary and so within such reasonable power of such common carrier; and the orders of the commission in such respect shall be enforced by the proper writs and orders of courts of common jurisdiction. (L. '10, p. 63, §27; amending R. S. '08, §5472; C. L., §3000.)

ARTICLE 2.

Unclaimed Freight.

§24. **Freight uncalled for thirty days may be stored and retained for charges—Notice in three days.**—When any goods, merchandise or other property shall have been received by any railroad or express company, or other common carrier, commission merchants, or warehousemen, and shall not be received by the owner, consignee, or other authorized person, until the expiration of thirty days, it shall be lawful for the said carrier, commission merchants, or warehousemen to hold the same, or the same may be restored, with some responsible person, and be retained until the freight and storage, and all just and reasonable charges be paid by the owner or consignee, or by some person for him; provided, however, that said railroads or express companies or other common carriers, commission merchants, or warehousemen, shall notify the owners or consignees of the receipt of such goods, merchandise, or other property, within three days from the receipt thereof. (G. S., §3432; G. L., §1864; L. '74, p. 304, §1; R. S. '08, §6893; C. L., §4044.)

all actual damages such applicant may sustain may be sued for and recovered in any court of competent jurisdiction; provided, that unavoidable accidents, unusually severe storms, or damage to roadbeds, directly affecting the delivery of such cars, shall excuse such common carrier from the penalties of this article, until such damages or other causes of delay can be expeditiously removed. (L. '10, p. 62, §24; amending R. S. '08, §5469; C. L., §2995.)

§19. Diligence in transportation of shipments—Penalty for failure.—It shall be the duty of every common carrier to transport any and all shipments between points in this state with the utmost diligence, and to move live stock and perishable products towards destination continuously, without unnecessary delays or longer stops than regular stops at stations, or stops for feeding, icing or watering, and at a minimum speed of not less than ten miles per hour; provided, that excessive storms, unavoidable accidents or damage to roadbeds which shall delay such shipments beyond the power of the common carrier to immediately overcome, shall exempt such common carrier from compliance with the minimum speed limit, until such storms subside or damage can be expeditiously repaired. For failure of any common carrier to receive and transport such shipments with the utmost diligence, such common carrier issuing the receipt or bill of lading therefor shall pay to the owner, consignee or other interested party whose interests may appear, such actual damages as the owner, consignee or other interested party may sustain, and the same may be sued for and be recovered in any court of competent jurisdiction in the district in which the plaintiff resides. (L. '10, p. 62, §25; amending R. S. '08, §5470; C. L., §2996)

§20. Transportation of live stock—Ten miles per hour.—Every common carrier in this state must transport live stock from initial point of shipment in this state to point of destination in this state at an average rate of speed of not less than ten miles an hour; and within such time, from the hour of loading at the initial point to the hour of arrival at destination, that the point of destination shall be reached in not more than one-tenth as many hours as there were miles required to be traveled in the transportation of such shipment; except only that necessary stops of reasonable duration for feeding purposes, when required by the length of the journey, or necessary and imperative delays caused only by the act of God or inevitable accident shall not be computed in determining such minimum requirements as to speed. (L. '21, p. 163, §1; C. L., §2997.)

§21. Same—Damages for failure.—For failure of any common carrier to transport any such shipment within the time required by the foregoing section, the common carrier issuing the receipt or bill of lading shall pay to the owner, consignee or other interested party whose interest may appear such actual damages as the owner, consignee or other interested party may sustain, together with exemplary damages in a sum not less than one hundred dollars nor more than one thousand dollars, to be fixed by the jury or by the court if the cause is tried without a jury, and such actual and exemplary damages may be sued for and recovered in any court of competent jurisdiction in the district in which the plaintiff resides. (L. '21, p. 163, §2; C. L., §2998.)

§21(1). Transportation of dogs accompanying blind persons.—When a blind person is accompanied by a dog which serves as a guide or leader for such blind person, neither the blind person nor the dog shall be denied the facilities of any common carrier, nor shall such blind

(i) **Miscellaneous Petitions.** When the subject matter of any desired relief is not specifically covered by these Rules, a petition seeking such relief and stating the reason therefor may be filed, and will be handled in the same manner as other applications or petitions.

RULE 10

Complaints

(a) **Who May File.** Complaint may be made by the Commission of its own motion or by any corporation, or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission. Any public utility shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

(b) **Complaint on Rates.** If the complaint is against the reasonableness of any rate or charge of any gas, electrical, water or telephone utility, the Commission cannot entertain the same, except upon its own motion, unless such complaint be signed by the mayor or the president or the chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city and county, or city or town, if any, within which the alleged violation occurred, or by not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water or telephone service, in accordance with Sec. 46, Ch. 137, 1935 C. S. A.

(c) Formal Complaints.

(1) **Form and Service.** Formal written complaints shall specifically set forth the facts claimed to constitute a violation of law or the rules, regulations, orders, decisions, directions or requirements of the Commission. The name and address of the party complained against and the name and address of the complainant must be clearly stated. The complainant must state therein that he will cooperate in the prosecution of such complaint and will appear at a hearing thereon if such complaint is set for hearing. Formal complaints shall be filed in triplicate with sufficient additional copies for the party or parties complained against, and must be verified under oath. The Commission will cause a copy of such complaint to be served upon the party complained against when it issues its order to satisfy or answer. A suggested form of complaint appears as Appendix A hereto.

(2) **Hearing on Complaints.** The Commission will set a time in which an answer to the complaint shall be filed, said time to be not less than twenty (20) days. Formal complaints will be set for hearing at the earliest convenience of the Commission, unless notice of satisfaction of the complaint, by answer or otherwise, is received by the Commission within twenty (20) days after service of notice of complaint. If satisfaction of the complaint has been made, the Commission will notify the complainant thereof and take appropriate action thereon.

(3) **Consolidation of Complaints.** Two or more grounds of complaint concerning the same subject matter may be included in one complaint, but should be stated and numbered separately. Two or more complainants may join in one complaint if their respective causes of action are against the same person, and deal with substantially the same violation of the law, or rule, regulation, or order

of the Commission. A formal complaint should be so drawn as to fully and completely advise the parties complained against and the Commission in what respects the provisions of the law, rule, regulation, requirement, order or decision of the Commission has been violated.

(4) **Receivers as Respondents.** If a utility is operated by a receiver or trustee, both the utility and its receiver or trustee must be made respondents in cases involving such utility.

(d) **Informal Complaints.**

(1) **Form and Content.** Informal complaints may be made by letter or other writing. No form of informal complaint is suggested but, in substance, a letter or other writing must contain the essential elements of a formal complaint and must state the correct name and address of the party complained against. It may embrace supporting papers or documents. It need not be verified but must be signed by the complainant or attorney, and the address of the complainant and attorney shown.

(2) **Handling of Informal Complaints.** Informal complaints may be handled by the Commission, by correspondence or otherwise, with the parties affected in an endeavor to bring about adjustment of the complaint without formal hearing. Informal procedure is recommended in all cases except those which clearly cannot be adjusted informally. Proceedings on informal complaints will be conducted without prejudice to the complainant's right to file and prosecute a formal complaint if the matter cannot be properly adjusted informally, in which event the proceeding on the informal docket will be discontinued, and a formal complaint must be filed if further proceedings are desired.

RULE 11

Applications

(a) **Contents.** All applications must be in writing. They must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with required exhibits, and a request for the order, authorization, permission, certificate or permit desired and a reference to the particular provision of law requiring or providing for the same. The application shall be signed by the applicant or the attorney, if any. Where an attorney signs the application, his address shall be given. A sample form appears as Appendix C hereto.

(b) **Number of Copies.** The original application, with filing fee, must be filed in triplicate; the Commission will advise applicant of the number of additional copies required to serve on competitors or parties affected. The applicable department of the Commission should be consulted as to an estimate of the required number of copies before the application is prepared.

(c) **Articles of Incorporation or Partnership.** If the applicant is a corporation or partnership, the Commission may require the filing of a certified or verified copy of its articles of incorporation or charter, or articles of partnership, and all amendments thereto.

(d) **Miscellaneous Applications.** Applications relating to matters over which the Commission has jurisdiction and which are not covered specifically by any of these rules, shall be drafted in accordance with this Rule, and shall set forth all the information necessary to a full understanding of the matter.

power to enforce reasonable regulations in supplying cars to shippers and for switching the same and for the loading and unloading and reloading thereof, and for the weighing of cars and freight offered for shipment by any common carrier. (L. '10, p. 60, §21; amending R. S. '08, §5466; C. L., §2992.)

§16. **Cars loaded within 48 hours—Penalty for failure—Exceptions.**—After delivery of the car or cars to the applicant by the common carrier, forty-eight hours shall be allowed to the applicant to load said cars, computing from seven a. m. the day following delivery of the cars, and upon failure so to do the common carrier shall be entitled to collect from said applicant the sum of one dollar per day for each car not returned loaded to the common carrier within the time thus allowed, and if the applicant shall not use the cars applied for, the common carrier shall be entitled to collect the sum of one dollar per car per day and a reasonable switching charge for each car so delivered and not used; provided, that severe storms, or causes which make delivery of product or stock at the loading point practically impossible to the applicant for cars, shall, while such conditions prevail, exempt such applicant for cars, from the penalty above named. (L. '10, p. 61, §22; amending R. S. '08, §5467; C. L., §2993.)

§17. **Cars unloaded within 48 hours—Penalty for failure—Exceptions.**—A consignee or other interested party shall be allowed forty-eight hours of free time to unload cars of thirty tons capacity or tonnage, or less, and an additional twenty-four hours of free time shall be allowed on cars of greater tonnage or capacity, taking each track delivery computed from seven o'clock a. m. of the day following the day notice of arrival of the cars and of the placing at an accessible point for unloading is given to the consignee or other interested party, and thereafter the common carrier may collect a charge of one dollar per day or fraction of a day during which cars are not unloaded or returned to the common carrier. Cars of livestock shall be placed for unloading within two hours after reaching destination. In the event that cars are bunched and delivered, through any negligence of the carrier, to the consignee, or the party whose interest therein may appear, in numbers beyond his reasonable ability to unload within the free time herein allowed, he shall be granted by the carrier such additional time as may be necessary to unload cars in the order of their shipment. (L. '10, p. 61, §23; re-enacting R. S. '08, §5468; C. L., §2994.)

§18. **Application for cars—Penalty for failure to furnish—Further damages—Exceptions.**—It shall be the duty of every common carrier doing business in this state to furnish suitable cars to any and all persons, firms or corporations who apply therefor, for the transportation of property with all reasonable dispatch. Upon application made by any owner or shipper of property to be transported to any agent or other person in charge of transportation of any such common carrier, at any point that cars are desired upon which to ship such property, stating the number of cars desired, and place at which they are desired, and the time at which they are desired, and the kind of property to be shipped or transported, it shall be the duty of such carrier to supply the number of cars desired, suitable for the purpose required within a reasonable time thereafter, not to exceed five days. If any carrier shall fail or neglect to furnish cars when thus applied for, within the time herein prescribed as herein required, such carrier shall forfeit to the shipper the sum of one dollar per day or fraction of a day for each car failed to be furnished within the time as herein required; provided, that

be of opinion that any of the rates or charges complained of and demanded, charged or collected by any common carrier or common carriers subject to the provisions of this article, for the transportation of property or passengers as defined by this article, or that any regulation or practice whatsoever of such common carrier or common carriers affecting such rates or charges are unjust or unreasonable or are unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this article, to determine and prescribe in what respect such rates, charges, regulations or practices are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this article, and to make an order that the common carrier shall cease and desist from such violations and shall not thereafter publish, demand or collect such rate or charge for such transportation or seek to enforce the regulation or practice, so determined to be unjust. All orders of the commission shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended, modified or set aside by the commission, or be suspended, modified or set aside by a court of competent jurisdiction. (L. '10, p. 54, §15; amending R. S. '08, §5459; C. L., §2991.)

§15. Business of connecting carrier forwarded—Damages for refusal or neglect—Character of shipments.—Every common carrier operating any railroad shall transport without unreasonable delay or discrimination the passengers or freight offered by any connecting common carrier, and also the empty and loaded cars furnished by any connecting common carrier to be delivered at any station on its own line, to be loaded or unloaded or reloaded and returned upon the railroad so connecting; and for compensation for so handling such freight and empty and loaded cars it shall not demand or receive any greater sum than is accepted by it from any other common carrier operating another railroad, for similar services; but this article shall not be construed as requiring any common carrier to give the use of its tracks or terminal facilities to another common carrier engaged in like business. If any common carrier shall fail, refuse or neglect to perform the duty prescribed in this section, it shall, for every violation, failure, neglect or refusal, be liable to the party damaged thereby in such sum as may be recovered in any court of competent jurisdiction. In case there shall be an insufficiency of cars at any time to meet all requirements, the available cars shall be distributed among the several applicants therefor in proportion to their respective immediate requirements, without unjust or undue discrimination among shippers or competitive or non-competitive places, except that preference shall be given to shipments of live stock and perishable property. But the commission shall have power to investigate such lack of cars or of motive power, and to determine if the same is the result of continued neglect by the common carrier to secure sufficient cars or motive power for use at all times, and if so, to order that the common carrier comply with the requirements of this article, regarding a suitable supply of cars and motive power to meet a reasonable requirement. All common carriers accepting livestock and perishable fruit under the provisions of this article, must move from point of origin to destination within the state at an average speed of not less than ten miles per hour, including all stoppages except where prevented by an unavoidable accident or unusual storm. The commission shall have

RULE 12

Hearings

(a) **Place and Time.** Hearings will be conducted by one or more Commissioners or by a hearing officer or examiner designated by the Commission. Notice of the place, date and hour of the hearing will be served at least ten (10) days before the time set therefor, unless the Commission shall find that public necessity requires the hearing to be held at an earlier date. Hearings will be held in the offices of the Commission at Denver, Colorado, or at such other places in the state as may be designated in the notice of hearing.

(b) **Preliminary Procedure at Hearings.** The presiding Commissioner or hearing officer shall call the proceeding for hearing and proceed to take the appearances, and act upon any pending motions or petitions. The parties may then make such opening statements as they may desire, and the witnesses shall be sworn individually or collectively, in the discretion of the presiding Commissioner or hearing officer.

(c) **Order of Proof.** Applicants, petitioner or complainants shall present their evidence and then such parties as may be opposing the application, petition, or complaint, shall submit their proof. The presiding Commissioner or hearing officer shall determine the order in which interveners or protestants shall introduce their evidence. Evidence will ordinarily be received in the following order:

- (1) Upon applications and petitions:
 - (a) The applicant or petitioner
 - (b) Protestants or interveners
 - (c) Rebuttal by applicant or petitioner
- (2) Upon formal complaints:
 - (a) Complainant or the Commission's staff
 - (b) Respondent or interveners
 - (c) Rebuttal by complainant or the Commission's staff.
- (3) Upon orders to show cause, or Orders Commanding Compliance:
 - (a) The Commission's staff
 - (b) The respondent
 - (c) Rebuttal by the Commission's staff
- (4) Upon investigation instigated by the Commission:
 - (a) Such order as the Commission may direct.
- (d) **Proof Necessary for Certificate of Public Convenience and Necessity.** Applicants for authority to operate as a Common Carrier must prove by witnesses (including shippers or passengers), sworn and examined at the hearing that public convenience and necessity requires such operation, and make such other proof as is required. The responsibility of making the proof required by law is on the applicant.

(e) **Consolidation.** The Commission may consolidate two or more proceedings in any one hearing where it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by such procedure. Where two or more proceedings are consolidated for hearing, the presiding Commissioner or hearing officer shall determine the order in which all the parties shall introduce their evidence and which party or parties shall open and close.

(f) **Limits on Interveners.** Where two or more interveners have substantially like interests and positions, the presiding Commissioner or hearing officer may at any time during the hearing, if he deems it advisable in order to expedite the hearing, limit the number of interveners who will be permitted to testify, cross-examine witnesses, or to make and argue motions and objections.

(g) **Stipulations.** With the approval of the presiding officer, the parties may stipulate as to any fact in issue, either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any such stipulation shall be binding upon all parties so stipulating, but shall not bind the Commission.

(h) **Reliance on Other Records in Commission Files.** When a party desires to offer in evidence any portion of the oral testimony, exhibits, order, decision or record in any other proceeding before the Commission, such portion shall be plainly designated in the stenographic record, and if admitted, shall be deemed to be a part of the oral testimony in the pending proceeding without physical production and marking for identification.

(i) **Documentary Evidence.** A copy of each documentary exhibit shall be furnished to each party of record present, and four additional copies shall be furnished for the use of the Commission. Where relevant and material matter offered in evidence is embraced in a written or printed statement, book, or document of any kind containing other matter not material or relevant and not intended to be put in evidence, such statement, book or document in whole shall not be received or allowed to be filed, but counsel or other party offering the same shall present in convenient and proper form for filing a copy of such material and relevant matter, and that only shall be received and allowed to be filed as evidence and made a part of the record.

(j) **Rules of Evidence.** In conducting any investigation, inquiry or hearing, neither the Commission nor any officer or employee thereof shall be bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission. Rules of evidence before Courts of Record of the State of Colorado will be generally followed but may be relaxed in the discretion of the Commission or hearing officer when deviation from technical rules of evidence will aid in ascertaining the facts. When objection is made to the admissibility of evidence, such evidence may be received subject to later ruling by the Commission. The Commission, or hearing officer, in its discretion, either with or without objection may exclude inadmissible evidence or order cumulative or irrelevant evidence discontinued. Parties objecting to the introduction of evidence shall briefly state the grounds of objection at the time such evidence is offered. The evidence to be admitted at hearings shall be material and relevant to the issue.

(k) **Open Hearings.** All hearings conducted by the Commission shall be open to the public.

(l) **Continuances.** The Commission may, in its discretion, and on proper showing, grant continuances for submission of further or additional proof on any subject matter and refer the case to the Secretary for re-setting.

(m) **Procedure Before Examiners.** If the Commission assigns an examiner to hear a matter, the procedure followed shall be as stated in Section 46 of Chapter 137, 1935 Colorado Statutes Annotated, and as may be ordered by the Commission in the particular proceeding.

from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. The commission shall have the power to make all needful rules for its government and proceedings. They shall be known collectively as "State Railroad Commission of Colorado," and shall have a seal with the words "State Railroad Commission of Colorado" engraved thereon, which shall be judicially noticed, and under such name, may sue and be sued. The testimony of any witness may be taken, at the instance of a party in any proceeding or investigation pending before the commission, by deposition, at any time after a cause or proceeding is at issue on complaint and answer; such depositions shall be conducted as are depositions in the courts of this state. (L. '10, p. 52, §12; amending R. S. '08, §5455; C. L. §2988.)

§12. **Petition of party aggrieved—Investigation—Findings—Notice to carrier.**—Any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization or any common carrier, or any shipper, consignee or applicant for cars, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this article, or in contravention of any of the provisions thereof, may apply to said commission by petition which shall briefly state the facts, whereupon a statement of the charges thus made shall be immediately forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same in writing within a reasonable time to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to be done, such common carrier shall be relieved of liability to the complainant, only for the particular violation of the law complained of. If such common carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper, and to arrive at a finding therein, and to notify such common carrier of such finding, together with the amount of damages, if any, as provided in this article, decided as just by the commission. (L. '10, p. 53, §13; amending R. S. '08, §5457; C. L., §2989.)

§13. **Report of commission—Records—Publication.**—Whenever investigations shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the commission, together with its decision, order or requirement in the premises. All reports of investigations made by the commission shall be entered of record and a copy thereof shall be furnished to the party who may have complained and to the common carrier. The commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the commission therein contained in all the courts of the state, without any further proof or authentication thereof. The commission may also cause to be printed for distribution its annual reports. (L. '10, p. 54, 14; amending R. S. '08, §5458; C. L., §2990.)

§14. **Order to cease discrimination, etc.**—The commission is authorized and empowered and it shall be its duty whenever after full hearing upon a complaint made as provided herein, or upon complaint of any common carrier, shipper, consignee, or applicant for cars, it shall

article prohibited, or declared to be unlawful, or who shall aid or abet therein, or shall wilfully omit or fail to do any act, matter or thing in this article required to be done, or shall aid or abet any such omission or failure or shall be guilty of any infraction of this article, or shall aid or abet therein, or shall fail or refuse or neglect to obey any order of the commission made under the provisions of this article, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof in any district court of this state within the jurisdiction of which such offense was committed, be subject to a fine not less than one hundred dollars nor more than one thousand dollars for each offense. (L. '10, p. 50, §9; amending R. S. '08, §5453; C. L. §2986.)

§10. Inducing carrier to discriminate—Penalty—Damages.—If any person or any officer or agent of any corporation or company, shall, by payment of money or other thing of value, solicitation or otherwise, induce any common carrier subject to the provisions of this article, or any of its officers or agents, to discriminate unjustly in its or their favor as against any other consignor or consignee, in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person or such officer or agent of such corporation or company shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, in any court of this state of competent jurisdiction, be subject to a fine of not exceeding one thousand dollars; and such person, corporation or company shall also together with such common carrier, be liable jointly, or severally, to consignor or consignee discriminated against, for all damages caused by or resulting therefrom. (L. '10, p. 50, §10; reenacting R. S. '08, §5454; C. L., §2987.)

§11. Powers—Enforcement of article—Rules.—The commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this article, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carrier full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it is created; and the commission is hereby authorized and required to execute and enforce the provisions of this article, and upon the request of the commission it shall be the duty of the attorney general or the district attorney in the district wherein the cause of action arose, under the direction of the attorney general, to institute all necessary proceedings for the enforcement of the provisions of this article and for the punishment of all violations thereof. The members of the commission shall each have power to administer oaths and for the purpose of this article the commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements and documents relating to any matter under investigation. And any of the district courts of this state within the jurisdiction of which said inquiry is carried on may, in case of refusal to obey the subpoena issued to any common carrier or other person subject to the provisions of this article, issue an order requiring such common carrier or other person, to appear before said commission (and produce books and papers, if so ordered) and give evidence touching the matters in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness

(n) **Briefs.** In all contested hearings, the Commission may order briefs to be filed within such time as may be allowed by the Commission. Four copies of briefs shall be filed with the Commission and shall be accompanied by a receipt or an affidavit showing service on the adverse parties.

(o) **Transcripts.** Copies of the transcript of testimony will be furnished parties in any hearing upon payment of the proper fees. Orders for copies of transcripts should be given the Commission at the time of hearing.

(p) **Witnesses and Subpoenas.** Subpoenas requiring the attendance of a witness from any place in the State to any designated place of hearing, for the purpose of taking testimony of such witness orally before the Commission, a commissioner, or an examiner, or before a notary public or other officer authorized by the Rules of Civil Procedure to take depositions, may be issued by the Commission, any commissioner, or the Secretary of the Commission, upon application in writing. The Commission may, as a condition of issuing a subpoena, require the party applying therefor to prepay fees of the witness. Depositions of witnesses may be taken upon notice or stipulation, as provided in the Rules of Civil Procedure.

Subpoenas for the production of books, waybills, papers, accounts, or other documents, unless directed to issue by the Commission on its own motion, will be issued only on application in writing, which application must specify, as nearly as may be, the books, waybills, papers, accounts, or other documents desired. The Commission, upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, may (1) quash the subpoena if it is unreasonable or oppressive, or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, waybills, papers, accounts, or other documents desired.

(q) **Depositions.** Depositions may be taken and offered in evidence as provided by the Colorado Rules of Civil Procedure.

(r) **Official Notice.** The Commission may take official notice of the following matters:

(1) Rules, regulations, official reports, decisions and orders of the Commission, and pleadings in such proceeding.

(2) The contents of Orders, Certificates and Permits issued by the Commission.

(3) Matters of common knowledge, technical or scientific facts of established character.

(4) Pertinent documents, if properly introduced into the record of formal proceedings by reference; provided, however, that proper and definite reference to such document shall be made by the party offering the same and that the same is published and generally circulated so that an opportunity shall be given to all of the parties of interest at the hearing to examine the same and present rebuttal evidence.

RULE 13

Rehearings

(a) **Time For Filing.** Any party appearing at the hearing, may apply for a rehearing within 20 days after the date of any order or decision of the Commission, irrespective of the effective date of the order. A petition for rehearing filed within 10 days after the entry of an order will suspend the order until the Commission enters an order granting or denying the rehearing, whereupon the original order shall continue to be effective according

to its terms, unless the Commission otherwise orders. Petitions for rehearing filed more than ten days after the entry of an order will not suspend the order unless the Commission enters an order to that effect, and if not acted upon by the Commission on or before the twentieth day after the entry of the original order, shall be deemed denied. The time for filing a petition for rehearing in order to protect the right of appeal as provided in Section 51 of Chapter 137, 1935 C. S. A., shall, in all cases, regardless of the effective date of the order, be deemed to include the twentieth day after the entry of an order, and the calculation of time shall be as prescribed in the Colorado Rules of Civil Procedure. (Note: This Rule attempts to protect the right of appeal where orders are made effective prior to twenty days after their entry, and is an effort to resolve the possible conflict between Sections 51 and 46, Chapter 137, 1935 C. S. A.)

(b) **Form and Contents.** A petition for rehearing shall be typewritten and shall state specifically the grounds upon which the petitioner considers such order, rule, regulation, or decision to be unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence such petitioner will offer if rehearing is granted. Four copies of such petition shall be filed with the Commission and shall be accompanied by sworn proof of service of a copy of said petition upon all other parties of record appearing at the hearing.

(c) **Procedure at Rehearings.** Rehearings will be conducted in accordance with the procedure at regular hearings, subject to order of the Commission.

RULE 14

Appeals

(a) **Who May Appeal.** As provided by law, no person may appeal from any order of the Commission unless such person was a party of record at the hearing, and has filed a petition for rehearing within the time and as required by these Rules. (See Section 51 of Ch. 137)

(b) **Time For Filing.** Appeals must be filed in the appropriate District Court within thirty days after the entry of an order denying rehearing or an order rendered after rehearing, or Fifty days after the entry of the original order if the Commission does not enter a formal order denying rehearing. Conduct of appeals will be as provided by law. (See Section 52 of Ch. 137)

RULE 15

Certificates of Public Convenience and Necessity for New Construction or Extension (Non-carrier Utilities)

(a) **Form and Contents.** When application is made under Section 36 of Chapter 137, 1935 C. S. A., for a certificate that the present or future public convenience and necessity require, or will require, the construction of a new plant or system, or by an existing public utility (non-carrier utility) for a certificate that present or future public convenience and necessity require, or will require, the construction of a proposed extension into territory not served by a public utility of like character, the applicant, in addition to complying with the provisions of these Rules applicable to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:

(1) If the applicant is a partnership, a list of the individual names of all the partners. If the applicant is

such carrier where freight or passengers are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. (L. '10, p. 48, §6; amending R. S. '08, §5450; C. L., §2983.)

§7. **Change of rates—Notice—Form of schedules.**—No change shall be made in the rates, fares and charges, or joint rates, fares and charges, which have been filed and published by any common carrier in compliance with the requirements of this article except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares or charges will go into effect; provided, that the commission may in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this article in respect to publishing, posting and filing of tariffs either in particular instances or by a general order applicable to special or peculiar circumstances or conditions. The commission may determine and prescribe the form in which the schedule required by this article to be kept open to the public inspection, shall be prepared and arranged and may change the same from time to time as may be deemed expedient, but the form of such schedule shall conform as nearly as practicable to the forms required by the interstate commerce commission. (L. '10, p. 49, §7; amending R. S. '08, §5451; C. L., §2984.)

§8. **Damages for violation of article and loss or injury to property—Contract exempting from liability.**—In case any common carrier subject to the provisions of this article shall do, cause to be done, or permit to be done any act, matter or thing in this article prohibited or declared to be unlawful, or shall omit to do any act, matter or thing in this article required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any violation of the provisions of this article. Every common carrier receiving property for transportation between points within this state shall issue a receipt, or a bill of lading, therefor, and shall be liable to the lawful holder thereof for all loss, damage, or injury to such property caused by it or by any common carrier to which such property may be delivered, or over whose lines such property may pass. No contract, receipt, rule or regulation shall exempt such common carrier from liability in this section imposed, but the carrier shall not be responsible for any greater sum than the value as fixed in the contract, receipt or bill of lading, where such valuation is stated. But nothing in this section shall deprive any holder of such receipt, or bill of lading, of any remedy or right of action which he has under existing law. The common carrier issuing such receipt, or bill of lading shall be entitled to recover from the common carrier on whose line the loss, damage or injury shall have been sustained, the amount of such loss, damage, or injury, as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof. (L. '10, 49, §8; amending R. S. '08, §5452; C. L., §2985.)

§9. **Violation of article—Penalty.**—Any common carrier subject to the provisions of this article, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by such corporation, or any shipper, consignee or applicant for cars, who alone or with any other corporation, company, person or party shall wilfully do or cause to be done, shall wilfully suffer or permit to be done, any act, matter or thing in this

the transportation of a like kind of traffic, under similar circumstances and conditions, such common carrier shall be deemed guilty of an unjust discrimination, which is hereby prohibited and declared to be unlawful. Nothing herein shall prevent the carriage or transporting free, or at reduced rates, of the household goods or other personal property of officers, employees, agents, in the employ of such common carriers, or the interchange of franks for the free transportation of personal property of officers, agents, attorneys and employees of common carriers and their families, or for the United States, the state or any political subdivision thereof, or any municipality thereof, or for charitable purposes, or to and from fairs and expositions for exhibition thereat. The term "employees" as used herein shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood and minor children during minority of persons who died, while in the service of any such common carrier. (L. '10, p. 47, §4; amending R. S. '08, §5448; C. L., §2981.)

§5. Discrimination as to freight unlawful.—It shall be unlawful for any common carrier subject to the provisions of this article, to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or concerning any particular description of freight traffic in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular freight traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; provided, that perishable products and live stock may be made special shipments and handled accordingly. (L. '10, p. 48, §5; amending R. S. '08, §5449; C. L., §2982.)

§6. Schedules of rates filed with commission—Posted in depots.—Every common carrier, subject to the provisions of this article, shall file with the commission created by this article, print and keep open to public inspection, schedules showing all the rates, fares and charges for transportation between points on its own route in this state, and between points on its own route and points on the route of any other common carrier by railroad, pipe line, or other vehicle in this state when a through route and joint rate have been established. If no joint rate over the through route has been established the several common carriers in such through route shall file, print and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid, by any such common carrier shall plainly state the places between which passengers or property will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, demurrage charges, storage charges, icing charges, and all other charges which the commission may require, all privileges or facilities granted or allowed and any rules or regulations which in anywise change, affect or determine part or the aggregate of any such aforesaid rates, fares and charges, or the value of the services rendered to the passenger, shipper or consignee. Such schedule shall be plainly printed in large type and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station or office of

a corporation, a short statement of the character of public service which, by its Articles of Incorporation, it is authorized to engage in, and the name of the state in which it is incorporated. A certified copy of its Articles of Incorporation or charter shall be filed and if incorporated elsewhere than in Colorado, a copy of its authority to do business here.

(2) The facts showing that the proposed new construction is or will be required by public convenience and necessity.

(3) Copies of any necessary franchises or permits from the proper public authority. If application is made prior to issuance of such authority, procedure on the application will be as set out in Section 36 (c) of Chapter 137.

(4) A full description of the proposed location, route or routes of the new construction or extension, including a description of the manner in which the same will be constructed, and also the names of all public utilities, corporation, or persons with whom the proposed new construction or extension is likely to compete.

(5) A map to suitable scale showing the location or route of the proposed new construction or extension, with its relation to other public utilities with which the same is likely to compete.

(6) All such other data necessary to a complete understanding of the situation.

RULE 16

Municipal Purchase of Utilities: Compensation Determinations

(a) Request for Commission Action. Whenever any municipality has expressed its intention to purchase the property of any public utility, as provided in Section 36 (f) of the Public Utilities Act, notice may be given to the Commission by the municipality and the utility that such negotiations have been entered into and are pending. If the parties have been unable to agree upon the compensation to be paid, or the owner of the public utility has refused to sell the same, the municipality may ask the Commission for a determination and fixing by the Commission of the just compensation to be paid for the taking of the property of a public utility, and in such case, the municipality shall submit the following data, either in the application or attached thereto as exhibits:

(1) Copy of the ordinance duly passed expressing the intention and desire of the municipality to purchase the plant, property or facilities of the public utility.

(2) A complete description of the plant, property or facilities of such public utility actually used and useful for the convenience of the public which the municipality desires to purchase.

(3) A complete statement of the terms and manner of the compensation proposed by the municipality for the purchase, and the compensation demanded by the public utility. All items of dispute should be clearly set forth.

(4) A statement of the motive and purpose of the applicant in acquiring the property of the public utility, together with a general statement of further development planned or in contemplation to which such purchase and acquisition is preliminary.

(5) A statement showing how the proposed acquisition will affect the service being furnished by the respondent utility whose property the municipality seeks to purchase.

(b) **Answer to Compensation Applications.** Whenever any such application shall have been filed with the Commission by a municipality desiring to purchase the plant, property or facilities of a public utility, the Commission will serve a copy of the application upon such public utility, and the public utility shall thereupon be required to file its answer to the application in the form and manner as provided for the filing of answers to formal complaints.

The answer of the public utility shall contain the following specific data, either in the answer or attached thereto as exhibits:

(1) A statement of the terms and manner of the compensation demanded by the respondent for its property sought to be purchased by the municipality.

(2) A statement of the corporate history of the respondent, together with general balance sheets of the close of the fiscal period and statements of income and expenses showing the results of operations during the preceding fiscal year.

(3) The reasons relied upon by the respondent as justification for refusal to sell its property to the municipality, or the reasons for refusal to sell at the amount of compensation offered by the municipality.

(4) A complete description of the plant, property or facilities, actually used and useful for the convenience of the public, which the municipality desires to purchase, and (separately) a complete description of the plant, property or facilities situated in the municipality, or adjacent to and considered by the respondent as a part of and auxiliary to the property situated within the municipality, owned by the respondent public utility, the purchase of which is not contemplated by the municipality.

(5) A statement showing how the proposed acquisition by the municipality will affect the service being furnished by the respondent.

RULE 17

Procedure to Change Rates of "Non-Carrier" Utilities

This rule shall apply to all gas, electrical, telephone, telegraph, water or pipe line corporations, and all other public utilities except railroads and motor vehicle common carriers.

A. Procedure to Increase Rates.

(1) **By Formal Application to the Commission.** Except as otherwise provided herein, before any public utility ("non-carrier") shall increase any rate, fare, toll, rental or charge, or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, the utility shall file a formal application with the Commission petitioning for such change or changes and receive the approval of the Commission therefor. Such approval may, in the discretion of the Commission, be given without formal hearing and on less than thirty days' notice to customers, but such action shall not bar or affect any subsequent proceeding relative to such changes. The applicant, in addition to complying with the provisions of Rule 11 hereof, dealing with formal requirements for all applications, shall submit the following data, either in the application or attached thereto as exhibits:

(a) A statement showing in full the rates, fares, tolls, rentals, charges, or rules or regulations which it is desired to put in effect, or the general relief asked for.

COMMON CARRIER ACT

(CHAPTER 29, 1935 C. S. A.)

(Chapter 5, Session Laws of 1910)

ARTICLE 1. IN GENERAL

§1. **Application of article.**—The provisions of this article shall apply to any person or persons who shall be held to be common carriers within the meaning and purpose of this article, and to any common carrier or carriers engaged in the transportation of passengers or property by railroad from one point or place within the state to any other point or place within the state. This article shall not apply to the ownership or operation of street railways conducted solely as common carriers in the transportation of passengers within the limits of cities and towns. (L. '10, p. 45, §1; amending R. S. '08, §5445; C. L., §2978.)

§2. **Terms defined.**—The term "common carriers" as used in this article shall also include express companies, private freight car lines and pipe lines. The term "railroad" as used in this article shall include all bridges used or operated in connection with any railroad, and also all the roads in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease; and shall also include all switches, spurs, tracks and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards and grounds used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards and grounds, used or necessary in the transportation or delivery of any of said property and the term "transportation" shall include all cars, and all other vehicles and instrumentalities and facilities of a shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all service in connection with the receipt, delivery, elevation and transfer in transit, ventilation, refrigeration or icing, demurrage, storing or handling of property transported; and it shall be the duty of every common carrier, subject to the provisions of this article, to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto, and to provide a sufficient number of cars, and a reasonable time schedule for trains. (L. '10, p. 46, §2; amending R. S. '08, §5446; C. L., §2979.)

§3. **Unreasonable charges prohibited.**—All charges made for any service rendered or to be rendered in the transportation of passengers or property, as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service, or any part thereof, is prohibited and declared to be unlawful. (L. '10, p. 46, §3; amending R. S. '08, §5447; C. L., §2980.)

§4. **Discrimination in charges prohibited—Exceptions**—Employees, families, defined.—If any common carrier, subject to the provisions of this article, shall directly or indirectly by any special rate, rebate, drawback, or any device, charge, demand, collect or receive, from any person, corporation, or persons, a greater or less compensation for any service rendered or to be rendered in the transportation of property, subject to the provisions of this article, than it charges, demands, collects or receives from any other person, corporation, or persons for doing for him or them a like and contemporaneous service in

mission shall continue in force and have the same effect as though they had been lawfully made, issued or promulgated under the provisions of this act. (C. L. 1921, Sec. 2975).

Section 67. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. (C. L. 1921, Sec. 2975, notation.)

Section 68. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the Act of Congress. (C. L. 1921, Sec. 2976.)

Section 69. That sections 11, 16, 17, 18, 19 and 20 of Chapter 5, Laws of 1910, entitled "An act to amend and as amended to reenact an act entitled, 'An act to regulate common carriers in this State, to create a State railroad commission, to prescribe and define its duties, to fix the salaries of the commissioners and of the employees of the commission, to prevent the imposition of unreasonable rates and charges, to prevent unjust discriminations, to insure an adequate railway service, to prevent the giving or receiving of rebates, to prescribe the mode of procedure and the rules of evidence in relation thereto, to prescribe penalties for violations of this act, to exercise a general supervision over the conduct and operations of common carriers and to repeal all acts or parts of acts inconsistent herewith,'" be and the same are hereby repealed, and the remaining sections of said Chapter 5, Laws 1910, where not in conflict with this act, are hereby expressly declared to be and remain in full force and effect, as if this act had not been passed; except that the powers and duties therein conferred upon the State Railroad Commission of Colorado, are hereby transferred and conferred upon the commission created by this act. (C. L. 1921, Sec. 2977.)

All other acts and parts of acts in conflict with this act are hereby repealed.

Approved April 12, 1913.

(b) A statement showing in full the rates, fares, tolls, rentals, charges, or rules or regulations which are in effect and which will be superseded by the proposed rates, fares, tolls, rentals, charges, or rules or regulations.

(c) A complete and accurate statement of all the circumstances and conditions relied upon in justification of the application.

(d) A reference to prior action, if any, of the Commission in any proceeding relative to the existing and proposed rates.

(e) A statement showing that the application has been brought to the attention of affected customers and the method used to give such notice.

(2) By Thirty Day Notice to the Commission and Customers

(Under Section 17 of the Public Utilities Act)

If the utility does not elect to file a formal application to increase rates as provided in Sub-section (A) above, it shall proceed as follows:

(a) **Notice to Customers.** A written or printed notice, setting forth the proposed changes and the effective date thereof, shall be mailed or delivered at least thirty days before said effective date to each of the public utility's active consumers or users affected by the proposed changes, in the following form:

Date of Notice:

NOTICE OF AN INCREASE IN THE RATES OF

.....
(Name and Address of Public Utility)

You are hereby notified that the.....
(Name of Public Utility)

has filed with The Public Utilities Commission of the State of Colorado, in compliance with the Public Utilities Act, certain changes in rates, rules and regulations affecting

.....consumers, to become effective
(State Class of Service)

.....unless suspended in
(Date)

accordance with the provisions of the Public Utility laws of Colorado. (State fully the rates, rules or regulations which it is desired to put into effect and the present rates, rules or regulations for the same class of service; or if too lengthy, attention may be called to the effect of the changes to the consumer, and notice given that the proposed and present rates, rules or regulations are available for examination and explanation at the office of the public utility.)

(The notice shall also contain a paragraph advising customers of the ten-day deadline for filing protests with the Commission, unless the Commission waives such requirement.

By:.....
(Name and Title of Officer)

(b) **Notice to Commission.** A complete schedule of all proposed rate increases or changes in rules or regulations which would have such an effect shall be filed with the Commission at least thirty days prior to the effective date of such change.

(c) **Advising Customers of Deadline on Protests.** The notice to customers shall contain a paragraph stating that anyone protesting the action proposed under said notice shall file a written protest with the Public Utilities Commission of the State of Colorado, Denver, Colorado, at least ten days before the proposed effective date. If the Commission waives this requirement, then the deadline specified in Subsection (e) hereby shall not apply, and protests will be received up to the proposed effective date. The Commission will advise the utility of all protests received.

(d) **Advising Commission of Compliance with this Rule.** The public utility shall inform the Commission of its compliance with subsection (a) of this Rule upon the completion of the notification specified therein and not less than ten days prior to the proposed effective date of the proposed rates, rules and regulations, stating the date such notification was completed and the method used, and enclosing a copy of the notice to customers.

(e) **Deadline on Protests: When Commission Will Suspend Rates.**

(1) **Statutory Protests.** If protests are received by the Commission at least ten days prior to the effective date of the proposed rates or other changes, and in accordance with the requirements of Section 45 of Chapter 137, 1935 C. S. A., sufficient in number and importance, in the judgment of the Commission, to warrant investigation, the effective date of the proposed rates will be suspended by the Commission until further order of the Commission.

(2) **On Commission's Own Motion.** The Commission on its own motion may order the proposed rates suspended whether or not any protests are received or whether filed before or after the ten day deadline.

B. Procedure to Reduce Rates or Liberalize Rules or Regulations.

(1) **Procedure to Change Tariffs, Rate Schedules, Rules or Regulations on Thirty Days' Notice.** Where any utility desires to change a rate schedule, tariff or rule or regulation, not involving or resulting in an increase in the rates of such utility, and unless the Commission otherwise orders, under Sub-section (2) of this Subsection, such utility shall give thirty days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection, new schedules, stating plainly the change or changes to be made in the rates, tariffs, schedules, or regulations then in force, and the time when the change or changes will go into effect.

(2) **Requests to Change Tariffs, Rate Schedules, Rules or Regulations on Less Than Thirty Days' Notice.** Orders authorizing any utility to amend tariffs, rate schedules, or Rules and Regulations, on less than thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions. Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in substantially the form set out in Appendix D hereof.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

such undistributed balance shall be turned over to the municipality. (L. '47, p. 704, Sec. 1.)

§70. When Undistributed Balance Turned Over to Commissioners.—In all cases where rights to refunds from a similar overcharge have accrued to the inhabitants of any county (outside of a municipality therein), then the undistributed balance shall be turned over to the county commissioners of such county. (L. '47, p. 704, Sec. 2.)

§71. Due and Payable by Escheat.—The payment to such municipality or county shall become due and payable as above set forth, by escheat, where not otherwise due and payable by operation of law. (L. '47, p. 704, Sec. 3.)

§72. Municipality or County Liable for Three Years.—The municipality or county receiving such moneys shall be liable therefor for three years from the date when received and shall pay them out to any person entitled thereto proving his claim through court action or in any other method satisfactory to the municipality or county; and at the end of said period, said fund shall become the property of the municipality or county. (L. '47, p. 704, Sec. 4.)

* * * * *

(Note: Sections 66-69 of the original Public Utility Law are not reproduced in Volume 4A of the 1935 C. S. A., and are set out below.)

Section 66. (a) N.B. This section gave the Commission contempt powers but was declared unconstitutional by the Colorado Supreme court. Every public utility, corporation or person which shall fail to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or portion thereof, of the commission or any commissioner, except an order for the payment of money, shall be in contempt of the commission, and shall be punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this action shall not be a bar to or affect any other remedy prescribed.

(b) This act shall not affect pending actions or proceedings brought by or against the people of the State of Colorado or the Railroad Commission, or by any other person or corporation under the provisions of chapter 5 of the laws of 1910, but the same may be prosecuted and defended with the same effect as though this act had not been passed. Any investigation, hearing or examination undertaken, commenced, instituted or prosecuted by the Railroad Commission prior to the taking effect of this act may be conducted and continued to a final determination in the same manner and with the same effect as if it had been undertaken, commenced, instituted or prosecuted in accordance with the provisions of this act. All proceedings heretofore taken by the Railroad Commission in any such investigation, hearing or examination are hereby ratified, approved, validated and confirmed and all such proceedings shall have the same force and effect as if they had been undertaken, commenced, instituted and prosecuted under the provisions of this act and in the manner herein prescribed.

(c) No cause of action arising under the provisions of chapter 5 of the laws of 1910 shall abate by reason of the passage of this act, whether a suit or action has been instituted thereon at the time of taking effect of this act or not, but actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as though parts of said chapters had not been repealed.

(d) All orders, decisions, rules or regulations heretofore made, issued or promulgated by the Railroad Com-

continue in force and have the same effect as though they had been lawfully made, issued, or promulgated under the provisions of this chapter.

(b) The commission shall have power to appear and represent the interests and welfare of the people of the state of Colorado in all matters and proceedings involving any public utility or carrier now or hereafter pending before any officer, department, board, commission, or court of the United States, of any other state, or of this state, and to intervene in, protest, resist, or advocate the granting or denial of any petition, application, complaint, or other proceeding, to examine witnesses and offer evidence in any proceeding affecting the people of this state or some portion thereof, as the public interest, convenience, or necessity may appear, and to initiate or participate in judicial proceedings involving the order or decision of any such officer, department, board, or commission. (L. '13, p. 507, Sec. 66; C. L., Sec. 2974; L. '45, p. 534, Sec. 10; effective March 14, 1945.)

§67. Not to Affect Interstate or Foreign Commerce.—Neither this chapter nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress. (L. '13, p. 508, Sec. 68; C. L., Sec. 2976.)

§68. Repeal—Saving Clause.—Sections 11, 16, 17, 18, 19 and 20 of chapter 5, Laws of 1910, entitled, "An act to amend and as amended to re-enact an act entitled, 'An act to regulate common carriers in this state, to create a state railroad commission, to prescribe and define its duties, to fix the salaries of the commissioners and of the employees of the commission, to prevent the imposition of unreasonable rates and charges, to prevent unjust discriminations, to insure an adequate railway service, to prevent the giving or receiving of rebates, to prescribe the mode of procedure and the rules of evidence in relation thereto, to prescribe penalties for violations of this act, to exercise a general supervision over the conduct and operations of common carriers and to repeal all acts or parts of acts inconsistent herewith,'" be and the same are hereby repealed, and the remaining sections of said chapter 5, Laws 1910, where not in conflict with this chapter, are hereby expressly declared to be and remain in full force and effect, as if this chapter had not been passed; except that the powers and duties therein conferred upon the state railroad commission of Colorado, are hereby transferred and conferred upon the commission created by this chapter. (L. '13, p. 508, Sec. 69; C. L., Sec. 2977.)

ARTICLE 9.

Unclaimed Funds for Overcharges.

§69. When Undistributed Balance Turned Over to Municipality.—In all cases where there has been an overcharge by a public utility corporation for any commodity or service on account of which rights to refunds have accrued to any municipality or the inhabitants thereof by reason of services or commodities received through the use of the streets of such municipality, with or without a franchise, and a refund of the amount overcharged has been directed by any court or other authorized governmental tribunal, and a part of such refund has not been made because of inability to find the persons entitled thereto within the time limit fixed by such court or tribunal, then the court or tribunal shall direct that any

Under no conditions will authority be granted to make rates or rules effective upon less than one day's notice to the Commission and to the public.

RULE 18

Procedure to Change Rates or Rules of Railroads, Sleeping Car Companies, Express Companies, Motor Vehicle Common Carriers.

The provisions of this rule shall govern changes in rates or rules of all railroads, sleeping car companies, express companies, and to all motor vehicle common carriers operating in Colorado in intrastate commerce, but shall not apply to curtailment or abandonment of service or facilities. (See substantive Rules applicable to the particular carrier.)

A. Applications of Railroads, Sleeping Car Companies, Express Companies, and Motor Vehicle Common Carriers for a General Percentage Increase in Rates.

(1) **Application Required.** If a railroad, sleeping car company, express company, or motor vehicle common carrier proposes to increase a large number of rates, fares or charges by a uniform specific amount of percentage, either over a single line or over two or more lines, or to be applicable upon like basis to all lines individually, or both, the carrier shall file a formal application with the Commission petitioning for such increase, and must receive the approval of the Commission before putting such increase into effect. Such approval may, in the discretion of the Commission, be given without formal hearing and on less than thirty days' notice to the public, but such action shall not bar or affect any subsequent proceeding relative to such increases. The applicant, in addition to complying with the provisions of Rule 11 hereof, dealing with formal requirements for all applications, shall submit the following data, either in the application or attached thereto as exhibits:

(a) The amount or percentage of the proposed uniform increase.

(b) A complete and accurate statement of all the circumstances and conditions relied upon in justification of the application.

(c) A reference to prior action, if any, of this Commission or the Interstate Commerce Commission or other state commissions in any proceeding relative to or affecting both the existing and proposed rates.

B. Procedure Applicable to All Changes in Rules or Rates of Railroads, Sleeping Car Companies, or Express Companies, Not Involving a General Percentage Increase.

(1) **Procedure to Change Tariffs on Thirty Days Notice.** Where any railroad, sleeping car company, or express company desires to change a rate, tariff or rule or regulation not involving or resulting in a general percentage increase in the rates of such railroad, sleeping car company, or express company, and unless the Commission otherwise orders under Subsection (2) of this section, such railroad, sleeping car company, or express company shall give thirty days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection new schedules or tariffs, stating plainly the change or changes to be made in the rates, tariffs, schedules or regulations then in force, and the time when the change or changes will go into effect.

(2) **Requests to Amend Tariffs on Less Than Thirty Days' Notice.** Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in the form set out in Appendix D hereof. Orders authorizing

railroads, sleeping car companies, or express companies to change tariffs and schedules on less than thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions.

When a railroad, express company, or sleeping car company, or an agent, issues a schedule for two or more railroads, express companies, or sleeping car companies, and desires to make application for authority to amend the schedule on less than statutory notice, such requests as to joint schedules must be made by the railroad, express company, or sleeping car company, or agent, authorized to file the schedule, and in making them, the same form as that prescribed for use of individual railroads, express companies, or sleeping car companies shall be used, except that the request must state that it is made in the name and on behalf of all railroads, express companies, or sleeping car companies that are parties to the schedule.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

Under no conditions will authority be granted to make rates or rules effective upon less than one day's notice to the Commission and to the parties.

C. Procedure to Change Rates or Rules of Motor Vehicle Common Carriers Not Involving a General Percentage Increase.

(1) Procedure to Change Rates Prescribed under Case No. 1585.

(a) **Changes on Statutory (30-day) Notice.** Where any motor vehicle common carrier desires to change a rate, rule or regulation prescribed by the Commission in Case No. 1585, such motor vehicle common carrier shall give not less than 30 days' notice to the Commission and to the public (unless shorter time is allowed on application under this rule) by filing with the Commission and keeping open for public inspection new schedules or tariffs, stating plainly the change or changes to be made in the rates, tariffs, schedules, rules, or regulations then in force, and the time when the change or changes will go into effect. Shippers or other common carriers wishing to protest the proposed changes shall be subject to sub-section E of this Rule in regard to requirements for filing protests, including the ten-day deadline.

If the Commission, after investigation of the proposed change and after examination of protests, if any are received, believes that the public convenience and necessity will be served by approval of the proposed tariff, the Commission will, on the day following the protest deadline, enter an order in Case No. 1585 prescribing the rates, rules, or regulations contained in such tariffs as the rates to be charged or the practices to be followed by the initiating carrier and all other motor vehicle common carriers in competition with said initiating carrier, and which prescribed rate, rule, or regulation shall also be the minimum rate, rule, or regulation to be charged by all competing private carriers. Such order will provide that at the expiration of the 30-day notice period, or such other proposed effective date as may be requested by the carriers, said rates will be and become the prescribed rates, and all com-

of any provision of the constitution of this state or of this chapter, or who fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the commission, except an order for the payment of money, or who procures, aids or abets any public utility in its failure to obey, observe and comply with any such order, decision, rule direction, demand or requirement, or any part or provision thereof in a case in which a penalty has not hereinbefore been provided for such officer, agent or employee, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment. (L. '13, p. 505, Sec. 62; C. L., Sec. 2971.)

§63. Violations by Corporations Not Public Utilities—Penalty.—Every corporation other than a public utility which violates any provision of this chapter, or which fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the commission, except an order for the payment of money, in a case in which a penalty has not hereinbefore been provided for such corporation or person is subject to a penalty of not more than two thousand dollars for each and every offense. (L. '13, p. 506, Sec. 63; C. L., Sec. 2972.)

§64. Individuals Violating Chapter—Penalty.—Every person, who, either individually, or acting as an officer, agent or employee of a corporation other than a public utility, violates any provision of this chapter, or fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or portion thereof, of the commission, or who procures, aids or abets any such public utility in its violation of this chapter, or in its failure to obey, observe or comply with any such order, decision, rule, direction, demand or requirement, or any part or portion thereof, in a case in which a penalty has not hereinbefore been provided for such person, is guilty of a misdemeanor and is punishable by a fine of not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment. (L. '13, p. 506, Sec. 64; C. L., Sec. 2973.)

§65. Action to Recover Penalties—Fines Credited to Fund.—Actions to recover penalties under this chapter shall be brought in the name of the people of the state of Colorado, in the district court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. Such action shall be commenced and prosecuted to final judgment by the attorney of the commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state in any such action, together with the costs thereof, shall be paid into the state treasury to the credit of the public utility commission fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court shall approve and order. (L. '13, p. 506, Sec. 65; C. L., Sec. 2974.)

§66. Orders, etc., of Railroad Commission—Public Utilities Commission to Represent People of State in All Proceedings Involving Public Utilities or Carriers.—(a) All orders, decisions, rules, or regulations heretofore made, issued, or promulgated by the railroad commission shall

anything or about to do anything, or permitting anything or about to permit anything to be done contrary to or in violation of law or of any order, decision, rule, direction or requirement of the commission, it shall direct the attorney of the commission to commence an action or proceeding in the district court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation or person complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides, in the name of the people of the state of Colorado, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney of the commission shall thereupon begin such action or proceeding by petition to such district court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this chapter, as appeals are taken from judgments of the district court in other actions for mandamus or injunction. (L. '13, p. 504, Sec. 60; C. L., Sec. 2969.)

§61. Violations—Penalty—Separate Offenses—Acts of Agents.—(a) Any public utility which violates or fails to comply with any provision of the constitution of this state or of this chapter, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement or any part or provision thereof, of the commission, except an order for the payment of money, in a case in which a penalty has not hereinbefore been provided for such public utility, is subject to a penalty of not more than two thousand dollars for each and every offense.

(b) Every violation of the provisions of this chapter or of any order, decision, decree, rule, direction, demand or requirement of the commission, or any part or portion thereof, except an order for the payment of money, by any corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

(c) In construing and enforcing the provisions of this chapter relating to penalties, the act, omission or failure of any officer, agent or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission or failure of such public utility. (L. '13, p. 505, Sec. 61; C. L., Sec. 2970.)

§62. Officer, Agent, Employee Violating Chapter—Penalty.—Every officer, agent or employee of any public utility, who violates or fails to comply with, or who procures, aids or abets any violation by any public utility

peting common and private carriers shall, on or before the effective date, bring their tariffs and schedules into conformance with said prescribed rates, rules, or regulations, by proper tariff filings.

(b) **When Commission Will Suspend.** If the Commission receives protests at least ten days prior to the effective date of the proposed change, sufficient in number and importance, in the judgment of the Commission to warrant further investigation, the Commission will suspend the effective date of the proposed change until further order of the Commission.

The Commission, on its own motion, may order suspension of the proposed change whether or not any protests are received.

(c) **Requests to Amend Tariffs on Less Than Thirty Days' Notice.** Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in the form set out in Appendix D hereof. Orders authorizing motor vehicle common carriers to change tariffs and schedules on less than the thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions.

When a motor vehicle common carrier or an agent issues a schedule for two or more carriers and desires to make application for authority to amend the schedule on less than statutory notice, such requests as to joint schedules must be made by the carrier, or agent, authorized to file the schedule, and in making them, the same form as that prescribed for use of individual carriers shall be used, except that the request must state that it is made in the name and on behalf of all carriers that are parties to the schedule.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

Under no conditions will authority be granted to make rates or rules effective upon less than ten days' notice to the Commission and to the parties.

(2) **Procedure for Motor Carriers to Change Rates Not Prescribed Under Case No. 1585 and Not Involving a General Percentage Increase.** Where a motor vehicle carrier desires to change or amend any rate, rule or regulation not prescribed by this Commission in Case No. 1585, and not involving a general percentage increase, the procedure to be followed by such motor vehicle carrier shall be the procedure prescribed for changes in railroad rates as set out in Rule 18 (B) of these Rules.

D. Form to Be Used by All Carriers in Applying for General Percentage Increases or Filing Schedules Changing Rates.

(1) **Consolidation of Application and Description of Territory.** The carriers over whose lines the rates are proposed to apply, may file a single application, to which shall be affixed the name of each carrier and the signature of such carrier's responsible traffic officer, but the application must show specifically a complete description of the territory to which it is proposed to have such rates applicable, and all exceptions to the proposed uniform basis.

(Decision No. 35628)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE
RULES OF PRACTICE AND
PROCEDURE GOVERNING
MATTERS BEFORE THE PUB-
LIC UTILITIES COMMISSION
OF THE STATE OF COLO-
RADO.

CASE NO. 5022.

December 11, 1950

STATEMENT

By the Commission:

By General Order No. 49, dated May 24, 1937, effective June 1, 1937, and Revised General Order No. 49, effective November 1, 1945, this Commission adopted and promulgated Rules of Practice and Procedure. Other General Orders, Administrative Rulings, and Emergency Orders have been issued from time to time covering other matters of substance and procedure.

It was deemed necessary that the Rules of Practice and Procedure and General Orders governing matters before this Commission be amended in certain respects, and re-compiled for issuance to the public. To that end, this case was instituted by the Commission on its own motion, and on November 24, 1950, a public hearing was held on proposed new Rules of Practice and Procedure.

After consideration of the record made at the hearing, and the suggestions made by counsel and the utilities, and after careful consideration of the Public Utilities Act, the Common Carrier Act, the Motor Vehicle Carrier Acts, and all amendments thereto, as well as the Colorado Rules of Civil Procedure, and pursuant to the provisions thereof, the Commission hereby promulgates, adopts, approves, and issues its revised "Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado," which Rules are attached hereto and by reference made a part of this Order.

ORDER

IT IS ORDERED:

That revised Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado be, and the same are hereby promulgated, adopted, approved, and issued, and shall hereafter be designated as "Rules of Practice and Procedure Before The Public Utilities Commission of the State of Colorado."

It is Further Ordered, that all General Orders and all Revisions thereof previously issued by this Commission, as well as all so-called "Administrative Rulings," and "Emergency Orders," shall be and are hereby declared to be revoked and cancelled and shall henceforth be void and of no effect, all matters previously covered thereby now being governed by these Rules, or the Substantive Rules applicable to the various carriers and utilities.

It is Further Ordered, that this order shall become effective December 31, 1950, and that these Rules of Practice and Procedure shall become effective on January 1, 1951.

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 December, 1950.

Attest: J. J. Mahoney,
Secretary

Paul M. Hupp,
Attorney

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**RULES OF PRACTICE AND PROCEDURE
BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE
OF COLORADO**

(References to the Public Utilities Act are to Sections of Chapter 137,
1935 Colorado Statutes Annotated, reprinted in the back of this
pamphlet)

RULE 1

Scope of Rules

(a) **Procedure Governed.** These Rules shall govern all practice and procedure before The Public Utilities Commission of the State of Colorado (hereinafter referred to as the "Commission") unless otherwise ordered by the Commission in any proceeding, and subject to such special rules or amendments which may hereafter be adopted.

(b) **Other Rules Applicable.** In addition to these Rules, all carriers and other utilities should consult the substantive Rules and Regulations governing particular utilities for information as to procedure in matters relating primarily to that utility.

RULE 2

Liberal Construction

These Rules shall be liberally construed to secure just, speedy and inexpensive determination of all issues presented to the Commission.

RULE 3

Communications

(a) **Address of Commission.** All correspondence with the Commission shall be addressed to The Public Utilities Commission, 318 State Office Building, Denver 2, Colorado, and not to individual members of the Commission's staff, unless otherwise specifically ordered.

(b) **One Subject in Letter.** Letters should embrace but one subject. Writing about different subjects in the same letter causes delay, since the subject matter may have to be referred to different departments of the Commission.

(c) **Address of Writer.** Every holder of a certificate or permit issued by the Commission, when addressing communications to the Commission, should use the name and address shown on the certificate or permit and give the number thereof. When the subject matter pertains to a pending docket, the name and address of applicant and the docket number should be given.

RULE 4

Secretary as Custodian of Files; Dockets

(a) **Secretary Is Custodian.** The Secretary of the Commission is designated as custodian of the property and files, and keeper of the records of the Commission, and will upon request furnish such blank forms as are prescribed by the Commission. Copies of pleadings on file, and orders and decisions of the Commission will be furnished upon payment of the statutory fees therefor.

(b) **Numbers Assigned to Proceedings.** The Secretary of the Commission shall assign to each formal proceeding a number which the parties shall place on all subsequent papers filed in such proceedings.

(c) **Division of Docket.** The formal docket of the Commission shall be divided into the following divisions and designations: "Formal Complaint;" "Application;" and "Investigation and Suspension;" and the numbers assigned upon the commencement or institution of proceedings thereunder shall be in consecutive order. Investigations instituted by the Commission on its own motion shall be classified upon the "Formal Complaint" or "Investigation and Suspension" docket.

RULE 5

Fees and Remittances

All fees or other remittances due the Commission shall be made payable by draft, check, or money order to "Colorado Public Utilities Commission," and sent to the Commission at the State Office Building, Denver 2, Colorado.

RULE 6

Parties

Parties to proceedings before the Commission shall be styled applicants, petitioners, protestants, interveners, complainants or respondents according to the nature of the proceeding and the relationship of the parties thereto, as follows:

(a) **Applicants.** Persons applying for any authority from the Commission shall be styled "applicants."

(b) **Petitioners.** Persons applying to the Commission for affirmative relief shall be styled "petitioners."

(c) **Protestants.** Persons opposing applications or petitions shall be styled "protestants."

(d) **Interveners.** Persons admitted to intervene as hereinafter provided shall be styled "interveners."

(e) **Complainants.** Persons who complain to the Commission of any act or omission by any person shall be styled "complainants."

(f) **Respondents.** Persons against whom any complaint is filed or investigation is started shall be styled "respondents."

(g) **Staff.** The Commission's staff may appear at any hearing and shall have all rights of participation as a party to the proceeding, and if counsel is desired, the attorney for the Commission shall represent the staff.

RULE 7

Appearances

(a) **Rights of Parties.** At any hearing, all parties named in the preceding Rule who are directly affected by the proceeding, shall be entitled to enter an appearance, to introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding.

(b) **Who May Represent Parties.** Appearances and representation of parties shall be made as follows:

(1) An individual may appear and be heard in his own behalf.

(2) A co-partnership may appear and be represented by a co-partner.

(3) A corporation may appear and be represented by a corporate officer or full-time employee of such corporation.

(4) A municipal corporation may appear and be represented by a duly authorized officer, agent, or employee of such municipality.

and the time and place of such sale, either by personal notice or by letter addressed and properly mailed to him, which said notice shall be given at least twenty-four (24) hours before said sale, if the consignee, or owner, or agent of him, so notified shall reside at the place where such goods are; but if the person to be so notified of such sale reside at a distance, then the time of such sale shall be so appointed in said notice as to allow him, in addition to the twenty-four (24) hours above mentioned, a reasonable length of time to claim said goods, or to attend such sale; and if, upon reasonable inquiry, the residence of such consignee, owner or agent cannot be learned, then upon affidavit of such carrier, commission merchant or warehouseman, or some person in his or their behalf, to be filed and preserved by the carrier, commission merchant or warehouseman, and by them to be produced and exhibited to any person claiming an interest in the goods sold, or to be sold, as aforesaid, such goods, merchandise and other property may be sold as aforesaid without notice. (G. S., §3437; G. L., §1869; L. '74, p. 306, §6; R. S. '08, §6898; C. L., §4049.)

§25. Freight not called for in ninety days may be sold—Twenty days' publication—Surplus.—If no person having a right thereto call for said goods, merchandise or other property, within ninety days from the receipt thereof, and pay freight and charges thereon, it shall be lawful for such carrier, commission merchant or warehouseman, to sell such goods, merchandise or other property, or so much thereof, at auction to the highest bidder, as will pay said freight and charges, first having given twenty days' notice of the time and place of sale to the owner, consignee or consignor, if known, and by advertisement in a daily paper (or if in a weekly paper, four weeks), published where such sale is to take place; and if any surplus be left after paying freight storage, cost of advertising, and all other just and reasonable charges, the same shall be paid over to the rightful owner of said property at any time thereafter, upon demand being made therefor, within ninety (90) days. (G. S., §3433; G. L., §1865; L. '74, p. 304, §2; R. S. '08, §6894; C. L., §4045.)

§26. Surplus, when not called for, paid into treasury, subject, etc.—If the rightful owner or his agent fail to demand such surplus within ninety (90) days of the time of such sale, then said surplus shall be paid into the county treasury, subject to the order of the owner; and if the owner do not demand such money of the county treasurer within one (1) year, then the same shall be forfeited and paid to the general school fund of the county. (G. S., §3434; G. L., §1866; L. '74, p. 305, §3; R. S. '08, §6895; C. L., §4046.)

§27. When carrier's liability ceases—Liability of warehouseman.—After the storage of goods, merchandise or property, as herein provided, the responsibility of the carrier shall cease, nor shall the person with whom the same may be stored be liable for any loss or damage on account thereof, unless the same shall result from his negligence or want of proper care. (G. S., §3435; G. L., §1867; L. '74, p. 305, §4; R. S. '08, §6896; C. L., §4047.)

§28. Commissionman—Warehouseman—May sell in 90 days—Publication.—When any commission merchant or warehouseman shall receive on consignment, or on storage, produce, merchandise, or other property, and shall make advances thereon, either to the owner, or for freight and charges, and no time be agreed upon for the repayment of the same, it shall be lawful for the person who makes such advances, if the same be not paid to him within ninety (90) days from the date of such advances, to cause the produce, merchandise or property on which the advances were made to be advertised and sold as provided in section 25 of this chapter; and if a time for the repayment of such charges be agreed upon, then such notice of sale may be made immediately upon default of such payment. (G. S., §3436; G. L., §1868; L. '74, p. 305, §5; R. S. '08, §6897; C. L., §4048.)

§29. Perishable goods—Notice—Sale—Notice to owner—Affidavit—Sale without notice.—In case the goods, merchandise, or other property referred to in the preceding sections, shall consist of articles which will perish, or become greatly damaged by delay in disposing of the same, then it shall be lawful for such carrier, commission merchant or warehouseman, unless the charges on such goods are paid, and they are claimed and taken away, to sell all of the same, either at auction or at private sale, for the best price that may reasonably be obtained therefor, and to dispose of the proceeds of such sale as provided in section 25 of this chapter; provided, always, that before any such sale is made notice shall be given to the owner, or consignee, or the agent of him, of the intent to so sell and dispose of such goods, merchandise or other property,

(5) An unincorporated association may appear and be represented by any bona fide general officer or full-time employee of such association.

(6) Any party to a proceeding may appear and be represented therein by an attorney at law, duly admitted to practice, and in good standing, before the highest court of any state, and in rate matters, any party may be represented by a Practitioner duly admitted to practice before the Interstate Commerce Commission.

(c) **Withdrawal of Attorney.** Any attorney of record wishing to withdraw from a proceeding before this Commission shall, in writing, immediately notify the Commission, or the presiding officer, and the party whom he represents.

(d) **Ethical Conduct Required.** Any person appearing in a proceeding shall conform to the recognized standards of ethical conduct.

RULE 8 Interventions

(a) **When Leave to Intervene Necessary.** Persons not directly affected by the proceeding shall secure an order from the Commission granting leave to intervene before being allowed to participate.

(b) **Form and Contents of Petition.** Petitions for leave to intervene must be in writing and must clearly identify the proceeding in which it is sought to intervene by title, file and docket number, set forth the name and address of the petitioner, a clear and concise statement of the interest of petitioner in such proceeding, the manner in which such petitioner will be affected by such proceeding, a statement of the matters and things relied upon by such petitioner as a basis for his request to intervene in such cause, and if affirmative relief is sought, a clear and concise statement of relief sought and the basis therefor, together with a statement as to the nature and quantity of evidence petitioner will present if such petition is granted.

(c) **When Petitions Must Be Filed.** Intervening petitions and proof of service of copy thereof on all other parties of record should be filed within five days after receiving notice of the filing of an application, or if no notice is received, not less than five days prior to the date set for hearing and, if filed thereafter, shall state a substantial reason for such delay, otherwise such petition will not be considered.

(d) **When Petition Will Be Granted.** If an intervening petition shows substantial interest in the subject matter of the proceeding or any part thereof and does not unduly broaden the issues, the Commission or the hearing officer may grant the prayer for leave to intervene and thereupon the intervener shall become a party to the proceeding with respect to the matters set out in his intervening petition and be subject to such reasonable conditions as may be prescribed.

RULE 9 Pleadings

(a) **Pleadings Enumerated.** Pleadings before the Commission shall be styled as applications, petitions, complaints, cross-complaints, answers, replies, protests, and motions.

(b) **Form and size of Pleadings.** Pleadings shall be typewritten or printed, properly entitled, filed in triplicate, and signed by the appropriate authorized individual or officer. All pleadings shall be on paper approximately

8½x13 inches in size, shall state the name and address of each party thereto, shall clearly identify the proceeding by title, file and docket number, and shall set forth a clear and concise statement of the matters relied upon as a basis for such pleading, together with an appropriate prayer, when relief is sought.

(c) **Amendments to Pleadings; Construction.** The Commission may, in its discretion, allow any pleadings to be amended or corrected or any omission therein to be supplied. Pleadings will be liberally construed and defects which do not affect substantial rights of the parties will be disregarded.

(d) **Petitions for Rehearing.** Petitions for Rehearing shall set forth specifically the ground or grounds upon which petitioner considers the order, decision, rule, direction, or regulation to be unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence such petitioner will offer if rehearing is granted.

(e) **Protests.** Any person who may be affected by the granting of a certificate or permit to an applicant shall have the right to file his written protest (in duplicate) to the granting of such certificate or permit, or, in the discretion of the Commission, be heard as a protestant without written pleadings.

(f) **Answers.** Whenever a complaint is filed with the Commission setting forth a violation or omission by any utility or carrier subject to Commission jurisdiction, an order will be entered requiring the respondent to satisfy or answer the complaint. Any party against whom such a complaint or petition is directed who desires to defend or contest the same or make any representation to the Commission in connection therewith, may file in duplicate with the Commission a written answer thereto within ten (10) days after service of said complaint or petition upon him, unless for good cause, the Commission extends the time within which answer may be made. Answers shall be so drawn as to advise the Commission and all parties of record fully and completely of the nature of such answer and shall specifically admit or deny in detail all material allegations of the complaint or petition. Matters alleged by way of cross-complaint or affirmative defense shall be separately stated and numbered. A sample form appears as Appendix B hereto.

(g) **Replies.** A complainant or petitioner desiring to reply to an answer shall file the same in duplicate with the Commission within five (5) days after service of answer.

(h) **Service of Pleadings.** If the Commission so orders in any particular case, a copy of all applications, petitions, complaints and other papers designated by the Commission, must be served by the party filing same on all persons whom the Commission determines may be affected by the proceeding. In such case, the proof of service must be made by affidavit in accordance with Section 45 (c) of Chapter 137, 1935 C. S. A.

After any proceeding has been instituted, all answers, motions and subsequent papers filed by any party must be served on all parties of record concurrently with the filing thereof, and proof of service filed, in accordance with said Section 45 (c).

If the Commission so orders in any particular case, persons requesting continuances, postponements, setting or resetting of hearings may be required to prepare copies of the Commission's order entered pursuant to such request, and serve same on all parties of record and such other persons as the Commission may determine to be affected by the order.

person be denied the immediate custody of the dog while riding upon a common carrier; provided the dog shall be securely muzzled. (L. '41, p. 343, §1.)

§22. **Accident resulting in death or injury—Notice—Investigation—Expense.**—Every common carrier shall, whenever an accident attended by bodily injury or loss of human life occurs in this state on its line of road or on its ground or in its yards, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it shall deem the public interest to require it, shall cause a suitable investigation to be made forthwith, and shall give reasonable notice thereof to the person and common carriers primarily interested. The expense of such investigation shall be certified by a majority of the commission and shall be audited and paid by the state in the same manner as other expenses are audited and paid. The commission shall be empowered to make and enforce such rules as, in their judgment, will tend to prevent accidents in the operation of the railroads of this state. (L. '10, p. 63, §26; amending R. S. '08, §5471; C. L., §2999.)

§23. **Commission order improvement in road and equipment.**—If, in the judgment of the commission, after a careful personal examination and investigation, and after a hearing before the commission, or the opportunity for such hearing, the commission shall find that repairs, improvements or increased facilities in respect to road-bed, trackage, rolling stock, stations and depots, yards, terminal facilities, switches, signals, or any other element of the service of any common carrier, shall be necessary and within the reasonable power of any common carrier to make, or adopt, for the promotion of the security of persons as to life and limb, or for the convenience and accommodations of the public in the shipping and handling of property, the commission shall make such reasonable order requiring any common carrier to do any such thing deemed by the commission to be proper in respect to such matters, within a reasonable time to be fixed by the commission, as to them shall seem so necessary and so within such reasonable power of such common carrier; and the orders of the commission in such respect shall be enforced by the proper writs and orders of courts of common jurisdiction. (L. '10, p. 63, §27; amending R. S. '08, §5472; C. L., §3000.)

ARTICLE 2.

Unclaimed Freight.

§24. **Freight uncalled for thirty days may be stored and retained for charges—Notice in three days.**—When any goods, merchandise or other property shall have been received by any railroad or express company, or other common carrier, commission merchants, or warehousemen, and shall not be received by the owner, consignee, or other authorized person, until the expiration of thirty days, it shall be lawful for the said carrier, commission merchants, or warehousemen to hold the same, or the same may be restored, with some responsible person, and be retained until the freight and storage, and all just and reasonable charges be paid by the owner or consignee, or by some person for him; provided, however, that said railroads or express companies or other common carriers, commission merchants, or warehousemen, shall notify the owners or consignees of the receipt of such goods, merchandise, or other property, within three days from the receipt thereof. (G. S., §3432; G. L., §1864; L. '74, p. 304, §1; R. S. '08, §6893; C. L., §4044.)

all actual damages such applicant may sustain may be sued for and recovered in any court of competent jurisdiction; provided, that unavoidable accidents, unusually severe storms, or damage to roadbeds, directly affecting the delivery of such cars, shall excuse such common carrier from the penalties of this article, until such damages or other causes of delay can be expeditiously removed. (L. '10, p. 62, §24; amending R. S. '08, §5469; C. L., §2995.)

§19. Diligence in transportation of shipments—Penalty for failure.—It shall be the duty of every common carrier to transport any and all shipments between points in this state with the utmost diligence, and to move live stock and perishable products towards destination continuously, without unnecessary delays or longer stops than regular stops at stations, or stops for feeding, icing or watering, and at a minimum speed of not less than ten miles per hour; provided, that excessive storms, unavoidable accidents or damage to roadbeds which shall delay such shipments beyond the power of the common carrier to immediately overcome, shall exempt such common carrier from compliance with the minimum speed limit, until such storms subside or damage can be expeditiously repaired. For failure of any common carrier to receive and transport such shipments with the utmost diligence, such common carrier issuing the receipt or bill of lading therefor shall pay to the owner, consignee or other interested party whose interests may appear, such actual damages as the owner, consignee or other interested party may sustain, and the same may be sued for and be recovered in any court of competent jurisdiction in the district in which the plaintiff resides. (L. '10, p. 62, §25; amending R. S. '08, §5470; C. L., §2996)

§20. Transportation of live stock—Ten miles per hour.—Every common carrier in this state must transport live stock from initial point of shipment in this state to point of destination in this state at an average rate of speed of not less than ten miles an hour; and within such time, from the hour of loading at the initial point to the hour of arrival at destination, that the point of destination shall be reached in not more than one-tenth as many hours as there were miles required to be traveled in the transportation of such shipment; except only that necessary stops of reasonable duration for feeding purposes, when required by the length of the journey, or necessary and imperative delays caused only by the act of God or inevitable accident shall not be computed in determining such minimum requirements as to speed. (L. '21, p. 163, §1; C. L., §2997.)

§21. Same—Damages for failure.—For failure of any common carrier to transport any such shipment within the time required by the foregoing section, the common carrier issuing the receipt or bill of lading shall pay to the owner, consignee or other interested party whose interest may appear such actual damages as the owner, consignee or other interested party may sustain, together with exemplary damages in a sum not less than one hundred dollars nor more than one thousand dollars, to be fixed by the jury or by the court if the cause is tried without a jury, and such actual and exemplary damages may be sued for and recovered in any court of competent jurisdiction in the district in which the plaintiff resides. (L. '21, p. 163, §2; C. L., §2998.)

§21(1). Transportation of dogs accompanying blind persons.—When a blind person is accompanied by a dog which serves as a guide or leader for such blind person, neither the blind person nor the dog shall be denied the facilities of any common carrier, nor shall such blind

(i) **Miscellaneous Petitions.** When the subject matter of any desired relief is not specifically covered by these Rules, a petition seeking such relief and stating the reason therefor may be filed, and will be handled in the same manner as other applications or petitions.

RULE 10

Complaints

(a) **Who May File.** Complaint may be made by the Commission of its own motion or by any corporation, or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission. Any public utility shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

(b) **Complaint on Rates.** If the complaint is against the reasonableness of any rate or charge of any gas, electrical, water or telephone utility, the Commission cannot entertain the same, except upon its own motion, unless such complaint be signed by the mayor or the president or the chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city and county, or city or town, if any, within which the alleged violation occurred, or by not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water or telephone service, in accordance with Sec. 46, Ch. 137, 1935 C. S. A.

(c) Formal Complaints.

(1) **Form and Service.** Formal written complaints shall specifically set forth the facts claimed to constitute a violation of law or the rules, regulations, orders, decisions, directions or requirements of the Commission. The name and address of the party complained against and the name and address of the complainant must be clearly stated. The complainant must state therein that he will cooperate in the prosecution of such complaint and will appear at a hearing thereon if such complaint is set for hearing. Formal complaints shall be filed in triplicate with sufficient additional copies for the party or parties complained against, and must be verified under oath. The Commission will cause a copy of such complaint to be served upon the party complained against when it issues its order to satisfy or answer. A suggested form of complaint appears as Appendix A hereto.

(2) **Hearing on Complaints.** The Commission will set a time in which an answer to the complaint shall be filed, said time to be not less than twenty (20) days. Formal complaints will be set for hearing at the earliest convenience of the Commission, unless notice of satisfaction of the complaint, by answer or otherwise, is received by the Commission within twenty (20) days after service of notice of complaint. If satisfaction of the complaint has been made, the Commission will notify the complainant thereof and take appropriate action thereon.

(3) **Consolidation of Complaints.** Two or more grounds of complaint concerning the same subject matter may be included in one complaint, but should be stated and numbered separately. Two or more complainants may join in one complaint if their respective causes of action are against the same person, and deal with substantially the same violation of the law, or rule, regulation, or order

of the Commission. A formal complaint should be so drawn as to fully and completely advise the parties complained against and the Commission in what respects the provisions of the law, rule, regulation, requirement, order or decision of the Commission has been violated.

(4) **Receivers as Respondents.** If a utility is operated by a receiver or trustee, both the utility and its receiver or trustee must be made respondents in cases involving such utility.

(d) **Informal Complaints.**

(1) **Form and Content.** Informal complaints may be made by letter or other writing. No form of informal complaint is suggested but, in substance, a letter or other writing must contain the essential elements of a formal complaint and must state the correct name and address of the party complained against. It may embrace supporting papers or documents. It need not be verified but must be signed by the complainant or attorney, and the address of the complainant and attorney shown.

(2) **Handling of Informal Complaints.** Informal complaints may be handled by the Commission, by correspondence or otherwise, with the parties affected in an endeavor to bring about adjustment of the complaint without formal hearing. Informal procedure is recommended in all cases except those which clearly cannot be adjusted informally. Proceedings on informal complaints will be conducted without prejudice to the complainant's right to file and prosecute a formal complaint if the matter cannot be properly adjusted informally, in which event the proceeding on the informal docket will be discontinued, and a formal complaint must be filed if further proceedings are desired.

RULE 11

Applications

(a) **Contents.** All applications must be in writing. They must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with required exhibits, and a request for the order, authorization, permission, certificate or permit desired and a reference to the particular provision of law requiring or providing for the same. The application shall be signed by the applicant or the attorney, if any. Where an attorney signs the application, his address shall be given. A sample form appears as Appendix C hereto.

(b) **Number of Copies.** The original application, with filing fee, must be filed in triplicate; the Commission will advise applicant of the number of additional copies required to serve on competitors or parties affected. The applicable department of the Commission should be consulted as to an estimate of the required number of copies before the application is prepared.

(c) **Articles of Incorporation or Partnership.** If the applicant is a corporation or partnership, the Commission may require the filing of a certified or verified copy of its articles of incorporation or charter, or articles of partnership, and all amendments thereto.

(d) **Miscellaneous Applications.** Applications relating to matters over which the Commission has jurisdiction and which are not covered specifically by any of these rules, shall be drafted in accordance with this Rule, and shall set forth all the information necessary to a full understanding of the matter.

power to enforce reasonable regulations in supplying cars to shippers and for switching the same and for the loading and unloading and reloading thereof, and for the weighing of cars and freight offered for shipment by any common carrier. (L. '10, p. 60, §21; amending R. S. '08, §5466; C. L., §2992.)

§16. **Cars loaded within 48 hours—Penalty for failure—Exceptions.**—After delivery of the car or cars to the applicant by the common carrier, forty-eight hours shall be allowed to the applicant to load said cars, computing from seven a. m. the day following delivery of the cars, and upon failure so to do the common carrier shall be entitled to collect from said applicant the sum of one dollar per day for each car not returned loaded to the common carrier within the time thus allowed, and if the applicant shall not use the cars applied for, the common carrier shall be entitled to collect the sum of one dollar per car per day and a reasonable switching charge for each car so delivered and not used; provided, that severe storms, or causes which make delivery of product or stock at the loading point practically impossible to the applicant for cars, shall, while such conditions prevail, exempt such applicant for cars, from the penalty above named. (L. '10, p. 61, §22; amending R. S. '08, §5467; C. L., §2993.)

§17. **Cars unloaded within 48 hours—Penalty for failure—Exceptions.**—A consignee or other interested party shall be allowed forty-eight hours of free time to unload cars of thirty tons capacity or tonnage, or less, and an additional twenty-four hours of free time shall be allowed on cars of greater tonnage or capacity, taking each track delivery computed from seven o'clock a. m. of the day following the day notice of arrival of the cars and of the placing at an accessible point for unloading is given to the consignee or other interested party, and thereafter the common carrier may collect a charge of one dollar per day or fraction of a day during which cars are not unloaded or returned to the common carrier. Cars of livestock shall be placed for unloading within two hours after reaching destination. In the event that cars are bunched and delivered, through any negligence of the carrier, to the consignee, or the party whose interest therein may appear, in numbers beyond his reasonable ability to unload within the free time herein allowed, he shall be granted by the carrier such additional time as may be necessary to unload cars in the order of their shipment. (L. '10, p. 61, §23; re-enacting R. S. '08, §5468; C. L., §2994.)

§18. **Application for cars—Penalty for failure to furnish—Further damages—Exceptions.**—It shall be the duty of every common carrier doing business in this state to furnish suitable cars to any and all persons, firms or corporations who apply therefor, for the transportation of property with all reasonable dispatch. Upon application made by any owner or shipper of property to be transported to any agent or other person in charge of transportation of any such common carrier, at any point that cars are desired upon which to ship such property, stating the number of cars desired, and place at which they are desired, and the time at which they are desired, and the kind of property to be shipped or transported, it shall be the duty of such carrier to supply the number of cars desired, suitable for the purpose required within a reasonable time thereafter, not to exceed five days. If any carrier shall fail or neglect to furnish cars when thus applied for, within the time herein prescribed as herein required, such carrier shall forfeit to the shipper the sum of one dollar per day or fraction of a day for each car failed to be furnished within the time as herein required; provided, that

be of opinion that any of the rates or charges complained of and demanded, charged or collected by any common carrier or common carriers subject to the provisions of this article, for the transportation of property or passengers as defined by this article, or that any regulation or practice whatsoever of such common carrier or common carriers affecting such rates or charges are unjust or unreasonable or are unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this article, to determine and prescribe in what respect such rates, charges, regulations or practices are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this article, and to make an order that the common carrier shall cease and desist from such violations and shall not thereafter publish, demand or collect such rate or charge for such transportation or seek to enforce the regulation or practice, so determined to be unjust. All orders of the commission shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended, modified or set aside by the commission, or be suspended, modified or set aside by a court of competent jurisdiction. (L. '10, p. 54, §15; amending R. S. '08, §5459; C. L., §2991.)

§15. Business of connecting carrier forwarded—Damages for refusal or neglect—Character of shipments.—Every common carrier operating any railroad shall transport without unreasonable delay or discrimination the passengers or freight offered by any connecting common carrier, and also the empty and loaded cars furnished by any connecting common carrier to be delivered at any station on its own line, to be loaded or unloaded or reloaded and returned upon the railroad so connecting; and for compensation for so handling such freight and empty and loaded cars it shall not demand or receive any greater sum than is accepted by it from any other common carrier operating another railroad, for similar services; but this article shall not be construed as requiring any common carrier to give the use of its tracks or terminal facilities to another common carrier engaged in like business. If any common carrier shall fail, refuse or neglect to perform the duty prescribed in this section, it shall, for every violation, failure, neglect or refusal, be liable to the party damaged thereby in such sum as may be recovered in any court of competent jurisdiction. In case there shall be an insufficiency of cars at any time to meet all requirements, the available cars shall be distributed among the several applicants therefor in proportion to their respective immediate requirements, without unjust or undue discrimination among shippers or competitive or non-competitive places, except that preference shall be given to shipments of live stock and perishable property. But the commission shall have power to investigate such lack of cars or of motive power, and to determine if the same is the result of continued neglect by the common carrier to secure sufficient cars or motive power for use at all times, and if so, to order that the common carrier comply with the requirements of this article, regarding a suitable supply of cars and motive power to meet a reasonable requirement. All common carriers accepting livestock and perishable fruit under the provisions of this article, must move from point of origin to destination within the state at an average speed of not less than ten miles per hour, including all stoppages except where prevented by an unavoidable accident or unusual storm. The commission shall have

RULE 12

Hearings

(a) **Place and Time.** Hearings will be conducted by one or more Commissioners or by a hearing officer or examiner designated by the Commission. Notice of the place, date and hour of the hearing will be served at least ten (10) days before the time set therefor, unless the Commission shall find that public necessity requires the hearing to be held at an earlier date. Hearings will be held in the offices of the Commission at Denver, Colorado, or at such other places in the state as may be designated in the notice of hearing.

(b) **Preliminary Procedure at Hearings.** The presiding Commissioner or hearing officer shall call the proceeding for hearing and proceed to take the appearances, and act upon any pending motions or petitions. The parties may then make such opening statements as they may desire, and the witnesses shall be sworn individually or collectively, in the discretion of the presiding Commissioner or hearing officer.

(c) **Order of Proof.** Applicants, petitioner or complainants shall present their evidence and then such parties as may be opposing the application, petition, or complaint, shall submit their proof. The presiding Commissioner or hearing officer shall determine the order in which interveners or protestants shall introduce their evidence. Evidence will ordinarily be received in the following order:

(1) Upon applications and petitions:

- (a) The applicant or petitioner
- (b) Protestants or interveners
- (c) Rebuttal by applicant or petitioner

(2) Upon formal complaints:

- (a) Complainant or the Commission's staff
- (b) Respondent or interveners
- (c) Rebuttal by complainant or the Commission's staff.

(3) Upon orders to show cause, or Orders Commanding Compliance:

- (a) The Commission's staff
- (b) The respondent
- (c) Rebuttal by the Commission's staff

(4) Upon investigation instigated by the Commission:

- (a) Such order as the Commission may direct.

(d) **Proof Necessary for Certificate of Public Convenience and Necessity.** Applicants for authority to operate as a Common Carrier must prove by witnesses (including shippers or passengers), sworn and examined at the hearing that public convenience and necessity requires such operation, and make such other proof as is required. The responsibility of making the proof required by law is on the applicant.

(e) **Consolidation.** The Commission may consolidate two or more proceedings in any one hearing where it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by such procedure. Where two or more proceedings are consolidated for hearing, the presiding Commissioner or hearing officer shall determine the order in which all the parties shall introduce their evidence and which party or parties shall open and close.

(f) **Limits on Interveners.** Where two or more interveners have substantially like interests and positions, the presiding Commissioner or hearing officer may at any time during the hearing, if he deems it advisable in order to expedite the hearing, limit the number of interveners who will be permitted to testify, cross-examine witnesses, or to make and argue motions and objections.

(g) **Stipulations.** With the approval of the presiding officer, the parties may stipulate as to any fact in issue, either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any such stipulation shall be binding upon all parties so stipulating, but shall not bind the Commission.

(h) **Reliance on Other Records in Commission Files.** When a party desires to offer in evidence any portion of the oral testimony, exhibits, order, decision or record in any other proceeding before the Commission, such portion shall be plainly designated in the stenographic record, and if admitted, shall be deemed to be a part of the oral testimony in the pending proceeding without physical production and marking for identification.

(i) **Documentary Evidence.** A copy of each documentary exhibit shall be furnished to each party of record present, and four additional copies shall be furnished for the use of the Commission. Where relevant and material matter offered in evidence is embraced in a written or printed statement, book, or document of any kind containing other matter not material or relevant and not intended to be put in evidence, such statement, book or document in whole shall not be received or allowed to be filed, but counsel or other party offering the same shall present in convenient and proper form for filing a copy of such material and relevant matter, and that only shall be received and allowed to be filed as evidence and made a part of the record.

(j) **Rules of Evidence.** In conducting any investigation, inquiry or hearing, neither the Commission nor any officer or employee thereof shall be bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission. Rules of evidence before Courts of Record of the State of Colorado will be generally followed but may be relaxed in the discretion of the Commission or hearing officer when deviation from technical rules of evidence will aid in ascertaining the facts. When objection is made to the admissibility of evidence, such evidence may be received subject to later ruling by the Commission. The Commission, or hearing officer, in its discretion, either with or without objection may exclude inadmissible evidence or order cumulative or irrelevant evidence discontinued. Parties objecting to the introduction of evidence shall briefly state the grounds of objection at the time such evidence is offered. The evidence to be admitted at hearings shall be material and relevant to the issue.

(k) **Open Hearings.** All hearings conducted by the Commission shall be open to the public.

(l) **Continuances.** The Commission may, in its discretion, and on proper showing, grant continuances for submission of further or additional proof on any subject matter and refer the case to the Secretary for re-setting.

(m) **Procedure Before Examiners.** If the Commission assigns an examiner to hear a matter, the procedure followed shall be as stated in Section 46 of Chapter 137, 1935 Colorado Statutes Annotated, and as may be ordered by the Commission in the particular proceeding.

from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. The commission shall have the power to make all needful rules for its government and proceedings. They shall be known collectively as "State Railroad Commission of Colorado," and shall have a seal with the words "State Railroad Commission of Colorado" engraved thereon, which shall be judicially noticed, and under such name, may sue and be sued. The testimony of any witness may be taken, at the instance of a party in any proceeding or investigation pending before the commission, by deposition, at any time after a cause or proceeding is at issue on complaint and answer; such depositions shall be conducted as are depositions in the courts of this state. (L. '10, p. 52, §12; amending R. S. '08, §5455; C. L. §2988.)

§12. **Petition of party aggrieved—Investigation—Findings—Notice to carrier.**—Any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization or any common carrier, or any shipper, consignee or applicant for cars, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this article, or in contravention of any of the provisions thereof, may apply to said commission by petition which shall briefly state the facts, whereupon a statement of the charges thus made shall be immediately forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same in writing within a reasonable time to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to be done, such common carrier shall be relieved of liability to the complainant, only for the particular violation of the law complained of. If such common carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper, and to arrive at a finding therein, and to notify such common carrier of such finding, together with the amount of damages, if any, as provided in this article, decided as just by the commission. (L. '10, p. 53, §13; amending R. S. '08, §5457; C. L., §2989.)

§13. **Report of commission—Records—Publication.**—Whenever investigations shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the commission, together with its decision, order or requirement in the premises. All reports of investigations made by the commission shall be entered of record and a copy thereof shall be furnished to the party who may have complained and to the common carrier. The commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the commission therein contained in all the courts of the state, without any further proof or authentication thereof. The commission may also cause to be printed for distribution its annual reports. (L. '10, p. 54, 14; amending R. S. '08, §5458; C. L., §2990.)

§14. **Order to cease discrimination, etc.**—The commission is authorized and empowered and it shall be its duty whenever after full hearing upon a complaint made as provided herein, or upon complaint of any common carrier, shipper, consignee, or applicant for cars, it shall

article prohibited, or declared to be unlawful, or who shall aid or abet therein, or shall wilfully omit or fail to do any act, matter or thing in this article required to be done, or shall aid or abet any such omission or failure or shall be guilty of any infraction of this article, or shall aid or abet therein, or shall fail or refuse or neglect to obey any order of the commission made under the provisions of this article, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof in any district court of this state within the jurisdiction of which such offense was committed, be subject to a fine not less than one hundred dollars nor more than one thousand dollars for each offense. (L. '10, p. 50, §9; amending R. S. '08, §5453; C. L. §2986.)

§10. Inducing carrier to discriminate—Penalty—Damages.—If any person or any officer or agent of any corporation or company, shall, by payment of money or other thing of value, solicitation or otherwise, induce any common carrier subject to the provisions of this article, or any of its officers or agents, to discriminate unjustly in its or their favor as against any other consignor or consignee, in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person or such officer or agent of such corporation or company shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, in any court of this state of competent jurisdiction, be subject to a fine of not exceeding one thousand dollars; and such person, corporation or company shall also together with such common carrier, be liable jointly, or severally, to consignor or consignee discriminated against, for all damages caused by or resulting therefrom. (L. '10, p. 50, §10; reenacting R. S. '08, §5454; C. L., §2987.)

§11. Powers—Enforcement of article—Rules.—The commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this article, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carrier full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it is created; and the commission is hereby authorized and required to execute and enforce the provisions of this article, and upon the request of the commission it shall be the duty of the attorney general or the district attorney in the district wherein the cause of action arose, under the direction of the attorney general, to institute all necessary proceedings for the enforcement of the provisions of this article and for the punishment of all violations thereof. The members of the commission shall each have power to administer oaths and for the purpose of this article the commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements and documents relating to any matter under investigation. And any of the district courts of this state within the jurisdiction of which said inquiry is carried on may, in case of refusal to obey the subpoena issued to any common carrier or other person subject to the provisions of this article, issue an order requiring such common carrier or other person, to appear before said commission (and produce books and papers, if so ordered) and give evidence touching the matters in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness

(n) **Briefs.** In all contested hearings, the Commission may order briefs to be filed within such time as may be allowed by the Commission. Four copies of briefs shall be filed with the Commission and shall be accompanied by a receipt or an affidavit showing service on the adverse parties.

(o) **Transcripts.** Copies of the transcript of testimony will be furnished parties in any hearing upon payment of the proper fees. Orders for copies of transcripts should be given the Commission at the time of hearing.

(p) **Witnesses and Subpoenas.** Subpoenas requiring the attendance of a witness from any place in the State to any designated place of hearing, for the purpose of taking testimony of such witness orally before the Commission, a commissioner, or an examiner, or before a notary public or other officer authorized by the Rules of Civil Procedure to take depositions, may be issued by the Commission, any commissioner, or the Secretary of the Commission, upon application in writing. The Commission may, as a condition of issuing a subpoena, require the party applying therefor to prepay fees of the witness. Depositions of witnesses may be taken upon notice or stipulation, as provided in the Rules of Civil Procedure.

Subpoenas for the production of books, waybills, papers, accounts, or other documents, unless directed to issue by the Commission on its own motion, will be issued only on application in writing, which application must specify, as nearly as may be, the books, waybills, papers, accounts, or other documents desired. The Commission, upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, may (1) quash the subpoena if it is unreasonable or oppressive, or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, waybills, papers, accounts, or other documents desired.

(q) **Depositions.** Depositions may be taken and offered in evidence as provided by the Colorado Rules of Civil Procedure.

(r) **Official Notice.** The Commission may take official notice of the following matters:

(1) Rules, regulations, official reports, decisions and orders of the Commission, and pleadings in such proceeding.

(2) The contents of Orders, Certificates and Permits issued by the Commission.

(3) Matters of common knowledge, technical or scientific facts of established character.

(4) Pertinent documents, if properly introduced into the record of formal proceedings by reference; provided, however, that proper and definite reference to such document shall be made by the party offering the same and that the same is published and generally circulated so that an opportunity shall be given to all of the parties of interest at the hearing to examine the same and present rebuttal evidence.

RULE 13

Rehearings

(a) **Time For Filing.** Any party appearing at the hearing, may apply for a rehearing within 20 days after the date of any order or decision of the Commission, irrespective of the effective date of the order. A petition for rehearing filed within 10 days after the entry of an order will suspend the order until the Commission enters an order granting or denying the rehearing, whereupon the original order shall continue to be effective according

to its terms, unless the Commission otherwise orders. Petitions for rehearing filed more than ten days after the entry of an order will not suspend the order unless the Commission enters an order to that effect, and if not acted upon by the Commission on or before the twentieth day after the entry of the original order, shall be deemed denied. The time for filing a petition for rehearing in order to protect the right of appeal as provided in Section 51 of Chapter 137, 1935 C. S. A., shall, in all cases, regardless of the effective date of the order, be deemed to include the twentieth day after the entry of an order, and the calculation of time shall be as prescribed in the Colorado Rules of Civil Procedure. (Note: This Rule attempts to protect the right of appeal where orders are made effective prior to twenty days after their entry, and is an effort to resolve the possible conflict between Sections 51 and 46, Chapter 137, 1935 C. S. A.)

(b) **Form and Contents.** A petition for rehearing shall be typewritten and shall state specifically the grounds upon which the petitioner considers such order, rule, regulation, or decision to be unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence such petitioner will offer if rehearing is granted. Four copies of such petition shall be filed with the Commission and shall be accompanied by sworn proof of service of a copy of said petition upon all other parties of record appearing at the hearing.

(c) **Procedure at Rehearings.** Rehearings will be conducted in accordance with the procedure at regular hearings, subject to order of the Commission.

RULE 14

Appeals

(a) **Who May Appeal.** As provided by law, no person may appeal from any order of the Commission unless such person was a party of record at the hearing, and has filed a petition for rehearing within the time and as required by these Rules. (See Section 51 of Ch. 137)

(b) **Time For Filing.** Appeals must be filed in the appropriate District Court within thirty days after the entry of an order denying rehearing or an order rendered after rehearing, or Fifty days after the entry of the original order if the Commission does not enter a formal order denying rehearing. Conduct of appeals will be as provided by law. (See Section 52 of Ch. 137)

RULE 15

Certificates of Public Convenience and Necessity for New Construction or Extension (Non-carrier Utilities)

(a) **Form and Contents.** When application is made under Section 36 of Chapter 137, 1935 C. S. A., for a certificate that the present or future public convenience and necessity require, or will require, the construction of a new plant or system, or by an existing public utility (non-carrier utility) for a certificate that present or future public convenience and necessity require, or will require, the construction of a proposed extension into territory not served by a public utility of like character, the applicant, in addition to complying with the provisions of these Rules applicable to all pleadings, shall submit the following data, either in the application or as exhibits attached thereto:

(1) If the applicant is a partnership, a list of the individual names of all the partners. If the applicant is

such carrier where freight or passengers are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. (L. '10, p. 48, §6; amending R. S. '08, §5450; C. L., §2983.)

§7. **Change of rates—Notice—Form of schedules.**—No change shall be made in the rates, fares and charges, or joint rates, fares and charges, which have been filed and published by any common carrier in compliance with the requirements of this article except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares or charges will go into effect; provided, that the commission may in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this article in respect to publishing, posting and filing of tariffs either in particular instances or by a general order applicable to special or peculiar circumstances or conditions. The commission may determine and prescribe the form in which the schedule required by this article to be kept open to the public inspection, shall be prepared and arranged and may change the same from time to time as may be deemed expedient, but the form of such schedule shall conform as nearly as practicable to the forms required by the interstate commerce commission. (L. '10, p. 49, §7; amending R. S. '08, §5451; C. L., §2984.)

§8. **Damages for violation of article and loss or injury to property—Contract exempting from liability.**—In case any common carrier subject to the provisions of this article shall do, cause to be done, or permit to be done any act, matter or thing in this article prohibited or declared to be unlawful, or shall omit to do any act, matter or thing in this article required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any violation of the provisions of this article. Every common carrier receiving property for transportation between points within this state shall issue a receipt, or a bill of lading, therefor, and shall be liable to the lawful holder thereof for all loss, damage, or injury to such property caused by it or by any common carrier to which such property may be delivered, or over whose lines such property may pass. No contract, receipt, rule or regulation shall exempt such common carrier from liability in this section imposed, but the carrier shall not be responsible for any greater sum than the value as fixed in the contract, receipt or bill of lading, where such valuation is stated. But nothing in this section shall deprive any holder of such receipt, or bill of lading, of any remedy or right of action which he has under existing law. The common carrier issuing such receipt, or bill of lading shall be entitled to recover from the common carrier on whose line the loss, damage or injury shall have been sustained, the amount of such loss, damage, or injury, as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof. (L. '10, 49, §8; amending R. S. '08, §5452; C. L., §2985.)

§9. **Violation of article—Penalty.**—Any common carrier subject to the provisions of this article, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by such corporation, or any shipper, consignee or applicant for cars, who alone or with any other corporation, company, person or party shall wilfully do or cause to be done, shall wilfully suffer or permit to be done, any act, matter or thing in this

the transportation of a like kind of traffic, under similar circumstances and conditions, such common carrier shall be deemed guilty of an unjust discrimination, which is hereby prohibited and declared to be unlawful. Nothing herein shall prevent the carriage or transporting free, or at reduced rates, of the household goods or other personal property of officers, employees, agents, in the employ of such common carriers, or the interchange of franks for the free transportation of personal property of officers, agents, attorneys and employees of common carriers and their families, or for the United States, the state or any political subdivision thereof, or any municipality thereof, or for charitable purposes, or to and from fairs and expositions for exhibition thereat. The term "employees" as used herein shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood and minor children during minority of persons who died, while in the service of any such common carrier. (L. '10, p. 47, §4; amending R. S. '08, §5448; C. L., §2981.)

§5. Discrimination as to freight unlawful.—It shall be unlawful for any common carrier subject to the provisions of this article, to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or concerning any particular description of freight traffic in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular freight traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; provided, that perishable products and live stock may be made special shipments and handled accordingly. (L. '10, p. 48, §5; amending R. S. '08, §5449; C. L., §2982.)

§6. Schedules of rates filed with commission.—Posted in depots.—Every common carrier, subject to the provisions of this article, shall file with the commission created by this article, print and keep open to public inspection, schedules showing all the rates, fares and charges for transportation between points on its own route in this state, and between points on its own route and points on the route of any other common carrier by railroad, pipe line, or other vehicle in this state when a through route and joint rate have been established. If no joint rate over the through route has been established the several common carriers in such through route shall file, print and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid, by any such common carrier shall plainly state the places between which passengers or property will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, demurrage charges, storage charges, icing charges, and all other charges which the commission may require, all privileges or facilities granted or allowed and any rules or regulations which in anywise change, affect or determine part or the aggregate of any such aforesaid rates, fares and charges, or the value of the services rendered to the passenger, shipper or consignee. Such schedule shall be plainly printed in large type and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station or office of

a corporation, a short statement of the character of public service which, by its Articles of Incorporation, it is authorized to engage in, and the name of the state in which it is incorporated. A certified copy of its Articles of Incorporation or charter shall be filed and if incorporated elsewhere than in Colorado, a copy of its authority to do business here.

(2) The facts showing that the proposed new construction is or will be required by public convenience and necessity.

(3) Copies of any necessary franchises or permits from the proper public authority. If application is made prior to issuance of such authority, procedure on the application will be as set out in Section 36 (c) of Chapter 137.

(4) A full description of the proposed location, route or routes of the new construction or extension, including a description of the manner in which the same will be constructed, and also the names of all public utilities, corporation, or persons with whom the proposed new construction or extension is likely to compete.

(5) A map to suitable scale showing the location or route of the proposed new construction or extension, with its relation to other public utilities with which the same is likely to compete.

(6) All such other data necessary to a complete understanding of the situation.

RULE 16

Municipal Purchase of Utilities: Compensation Determinations

(a) Request for Commission Action. Whenever any municipality has expressed its intention to purchase the property of any public utility, as provided in Section 36 (f) of the Public Utilities Act, notice may be given to the Commission by the municipality and the utility that such negotiations have been entered into and are pending. If the parties have been unable to agree upon the compensation to be paid, or the owner of the public utility has refused to sell the same, the municipality may ask the Commission for a determination and fixing by the Commission of the just compensation to be paid for the taking of the property of a public utility, and in such case, the municipality shall submit the following data, either in the application or attached thereto as exhibits:

(1) Copy of the ordinance duly passed expressing the intention and desire of the municipality to purchase the plant, property or facilities of the public utility.

(2) A complete description of the plant, property or facilities of such public utility actually used and useful for the convenience of the public which the municipality desires to purchase.

(3) A complete statement of the terms and manner of the compensation proposed by the municipality for the purchase, and the compensation demanded by the public utility. All items of dispute should be clearly set forth.

(4) A statement of the motive and purpose of the applicant in acquiring the property of the public utility, together with a general statement of further development planned or in contemplation to which such purchase and acquisition is preliminary.

(5) A statement showing how the proposed acquisition will affect the service being furnished by the respondent utility whose property the municipality seeks to purchase.

(b) **Answer to Compensation Applications.** Whenever any such application shall have been filed with the Commission by a municipality desiring to purchase the plant, property or facilities of a public utility, the Commission will serve a copy of the application upon such public utility, and the public utility shall thereupon be required to file its answer to the application in the form and manner as provided for the filing of answers to formal complaints.

The answer of the public utility shall contain the following specific data, either in the answer or attached thereto as exhibits:

(1) A statement of the terms and manner of the compensation demanded by the respondent for its property sought to be purchased by the municipality.

(2) A statement of the corporate history of the respondent, together with general balance sheets of the close of the fiscal period and statements of income and expenses showing the results of operations during the preceding fiscal year.

(3) The reasons relied upon by the respondent as justification for refusal to sell its property to the municipality, or the reasons for refusal to sell at the amount of compensation offered by the municipality.

(4) A complete description of the plant, property or facilities, actually used and useful for the convenience of the public, which the municipality desires to purchase, and (separately) a complete description of the plant, property or facilities situated in the municipality, or adjacent to and considered by the respondent as a part of and auxiliary to the property situated within the municipality, owned by the respondent public utility, the purchase of which is not contemplated by the municipality.

(5) A statement showing how the proposed acquisition by the municipality will affect the service being furnished by the respondent.

RULE 17

Procedure to Change Rates of "Non-Carrier" Utilities

This rule shall apply to all gas, electrical, telephone, telegraph, water or pipe line corporations, and all other public utilities except railroads and motor vehicle common carriers.

A. Procedure to Increase Rates.

(1) **By Formal Application to the Commission.** Except as otherwise provided herein, before any public utility ("non-carrier") shall increase any rate, fare, toll, rental or charge, or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, the utility shall file a formal application with the Commission petitioning for such change or changes and receive the approval of the Commission therefor. Such approval may, in the discretion of the Commission, be given without formal hearing and on less than thirty days' notice to customers, but such action shall not bar or affect any subsequent proceeding relative to such changes. The applicant, in addition to complying with the provisions of Rule 11 hereof, dealing with formal requirements for all applications, shall submit the following data, either in the application or attached thereto as exhibits:

(a) A statement showing in full the rates, fares, tolls, rentals, charges, or rules or regulations which it is desired to put in effect, or the general relief asked for.

COMMON CARRIER ACT

(CHAPTER 29, 1935 C. S. A.)

(Chapter 5, Session Laws of 1910)

ARTICLE 1. IN GENERAL

§1. **Application of article.**—The provisions of this article shall apply to any person or persons who shall be held to be common carriers within the meaning and purpose of this article, and to any common carrier or carriers engaged in the transportation of passengers or property by railroad from one point or place within the state to any other point or place within the state. This article shall not apply to the ownership or operation of street railways conducted solely as common carriers in the transportation of passengers within the limits of cities and towns. (L. '10, p. 45, §1; amending R. S. '08, §5445; C. L., §2978.)

§2. **Terms defined.**—The term "common carriers" as used in this article shall also include express companies, private freight car lines and pipe lines. The term "railroad" as used in this article shall include all bridges used or operated in connection with any railroad, and also all the roads in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease; and shall also include all switches, spurs, tracks and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards and grounds used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards and grounds, used or necessary in the transportation or delivery of any of said property and the term "transportation" shall include all cars, and all other vehicles and instrumentalities and facilities of a shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all service in connection with the receipt, delivery, elevation and transfer in transit, ventilation, refrigeration or icing, demurrage, storing or handling of property transported; and it shall be the duty of every common carrier, subject to the provisions of this article, to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto, and to provide a sufficient number of cars, and a reasonable time schedule for trains. (L. '10, p. 46, §2; amending R. S. '08, §5446; C. L., §2979.)

§3. **Unreasonable charges prohibited.**—All charges made for any service rendered or to be rendered in the transportation of passengers or property, as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service, or any part thereof, is prohibited and declared to be unlawful. (L. '10, p. 46, §3; amending R. S. '08, §5447; C. L., §2980.)

§4. **Discrimination in charges prohibited—Exceptions**—**Employees, families, defined.**—If any common carrier, subject to the provisions of this article, shall directly or indirectly by any special rate, rebate, drawback, or any device, charge, demand, collect or receive, from any person, corporation, or persons, a greater or less compensation for any service rendered or to be rendered in the transportation of property, subject to the provisions of this article, than it charges, demands, collects or receives from any other person, corporation, or persons for doing for him or them a like and contemporaneous service in

mission shall continue in force and have the same effect as though they had been lawfully made, issued or promulgated under the provisions of this act. (C. L. 1921, Sec. 2975).

Section 67. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. (C. L. 1921, Sec. 2975, notation.)

Section 68. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the Act of Congress. (C. L. 1921, Sec. 2976.)

Section 69. That sections 11, 16, 17, 18, 19 and 20 of Chapter 5, Laws of 1910, entitled "An act to amend and as amended to reenact an act entitled, 'An act to regulate common carriers in this State, to create a State railroad commission, to prescribe and define its duties, to fix the salaries of the commissioners and of the employees of the commission, to prevent the imposition of unreasonable rates and charges, to prevent unjust discriminations, to insure an adequate railway service, to prevent the giving or receiving of rebates, to prescribe the mode of procedure and the rules of evidence in relation thereto, to prescribe penalties for violations of this act, to exercise a general supervision over the conduct and operations of common carriers and to repeal all acts or parts of acts inconsistent herewith,'" be and the same are hereby repealed, and the remaining sections of said Chapter 5, Laws 1910, where not in conflict with this act, are hereby expressly declared to be and remain in full force and effect, as if this act had not been passed; except that the powers and duties therein conferred upon the State Railroad Commission of Colorado, are hereby transferred and conferred upon the commission created by this act. (C. L. 1921, Sec. 2977.)

All other acts and parts of acts in conflict with this act are hereby repealed.

Approved April 12, 1913.

(b) A statement showing in full the rates, fares, tolls, rentals, charges, or rules or regulations which are in effect and which will be superseded by the proposed rates, fares, tolls, rentals, charges, or rules or regulations.

(c) A complete and accurate statement of all the circumstances and conditions relied upon in justification of the application.

(d) A reference to prior action, if any, of the Commission in any proceeding relative to the existing and proposed rates.

(e) A statement showing that the application has been brought to the attention of affected customers and the method used to give such notice.

(2) By Thirty Day Notice to the Commission and Customers

(Under Section 17 of the Public Utilities Act)

If the utility does not elect to file a formal application to increase rates as provided in Sub-section (A) above, it shall proceed as follows:

(a) **Notice to Customers.** A written or printed notice, setting forth the proposed changes and the effective date thereof, shall be mailed or delivered at least thirty days before said effective date to each of the public utility's active consumers or users affected by the proposed changes, in the following form:

Date of Notice:

NOTICE OF AN INCREASE IN THE RATES OF

.....
(Name and Address of Public Utility)

You are hereby notified that the.....
(Name of Public Utility)

has filed with The Public Utilities Commission of the State of Colorado, in compliance with the Public Utilities Act, certain changes in rates, rules and regulations affecting

.....consumers, to become effective
(State Class of Service)
.....unless suspended in
(Date)

accordance with the provisions of the Public Utility laws of Colorado. (State fully the rates, rules or regulations which it is desired to put into effect and the present rates, rules or regulations for the same class of service; or if too lengthy, attention may be called to the effect of the changes to the consumer, and notice given that the proposed and present rates, rules or regulations are available for examination and explanation at the office of the public utility.)

(The notice shall also contain a paragraph advising customers of the ten-day deadline for filing protests with the Commission, unless the Commission waives such requirement.

By:.....
(Name and Title of Officer)

(b) **Notice to Commission.** A complete schedule of all proposed rate increases or changes in rules or regulations which would have such an effect shall be filed with the Commission at least thirty days prior to the effective date of such change.

(c) **Advising Customers of Deadline on Protests.** The notice to customers shall contain a paragraph stating that anyone protesting the action proposed under said notice shall file a written protest with the Public Utilities Commission of the State of Colorado, Denver, Colorado, at least ten days before the proposed effective date. If the Commission waives this requirement, then the deadline specified in Subsection (e) hereby shall not apply, and protests will be received up to the proposed effective date. The Commission will advise the utility of all protests received.

(d) **Advising Commission of Compliance with this Rule.** The public utility shall inform the Commission of its compliance with subsection (a) of this Rule upon the completion of the notification specified therein and not less than ten days prior to the proposed effective date of the proposed rates, rules and regulations, stating the date such notification was completed and the method used, and enclosing a copy of the notice to customers.

(e) **Deadline on Protests: When Commission Will Suspend Rates.**

(1) **Statutory Protests.** If protests are received by the Commission at least ten days prior to the effective date of the proposed rates or other changes, and in accordance with the requirements of Section 45 of Chapter 137, 1935 C. S. A., sufficient in number and importance, in the judgment of the Commission, to warrant investigation, the effective date of the proposed rates will be suspended by the Commission until further order of the Commission.

(2) **On Commission's Own Motion.** The Commission on its own motion may order the proposed rates suspended whether or not any protests are received or whether filed before or after the ten day deadline.

B. Procedure to Reduce Rates or Liberalize Rules or Regulations.

(1) **Procedure to Change Tariffs, Rate Schedules, Rules or Regulations on Thirty Days' Notice.** Where any utility desires to change a rate schedule, tariff or rule or regulation, not involving or resulting in an increase in the rates of such utility, and unless the Commission otherwise orders, under Sub-section (2) of this Subsection, such utility shall give thirty days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection, new schedules, stating plainly the change or changes to be made in the rates, tariffs, schedules, or regulations then in force, and the time when the change or changes will go into effect.

(2) **Requests to Change Tariffs, Rate Schedules, Rules or Regulations on Less Than Thirty Days' Notice.** Orders authorizing any utility to amend tariffs, rate schedules, or Rules and Regulations, on less than thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions. Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in substantially the form set out in Appendix D hereof.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

such undistributed balance shall be turned over to the municipality. (L. '47, p. 704, Sec. 1.)

§70. When Undistributed Balance Turned Over to Commissioners.—In all cases where rights to refunds from a similar overcharge have accrued to the inhabitants of any county (outside of a municipality therein), then the undistributed balance shall be turned over to the county commissioners of such county. (L. '47, p. 704, Sec. 2.)

§71. Due and Payable by Escheat.—The payment to such municipality or county shall become due and payable as above set forth, by escheat, where not otherwise due and payable by operation of law. (L. '47, p. 704, Sec. 3.)

§72. Municipality or County Liable for Three Years.—The municipality or county receiving such moneys shall be liable therefor for three years from the date when received and shall pay them out to any person entitled thereto proving his claim through court action or in any other method satisfactory to the municipality or county; and at the end of said period, said fund shall become the property of the municipality or county. (L. '47, p. 704, Sec. 4.)

* * * * *

(Note: Sections 66-69 of the original Public Utility Law are not reproduced in Volume 4A of the 1935 C. S. A., and are set out below.)

Section 66. (a) N.B. This section gave the Commission contempt powers but was declared unconstitutional by the Colorado Supreme court. Every public utility, corporation or person which shall fail to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or portion thereof, of the commission or any commissioner, except an order for the payment of money, shall be in contempt of the commission, and shall be punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this action shall not be a bar to or affect any other remedy prescribed.

(b) This act shall not affect pending actions or proceedings brought by or against the people of the State of Colorado or the Railroad Commission, or by any other person or corporation under the provisions of chapter 5 of the laws of 1910, but the same may be prosecuted and defended with the same effect as though this act had not been passed. Any investigation, hearing or examination undertaken, commenced, instituted or prosecuted by the Railroad Commission prior to the taking effect of this act may be conducted and continued to a final determination in the same manner and with the same effect as if it had been undertaken, commenced, instituted or prosecuted in accordance with the provisions of this act. All proceedings heretofore taken by the Railroad Commission in any such investigation, hearing or examination are hereby ratified, approved, validated and confirmed and all such proceedings shall have the same force and effect as if they had been undertaken, commenced, instituted and prosecuted under the provisions of this act and in the manner herein prescribed.

(c) No cause of action arising under the provisions of chapter 5 of the laws of 1910 shall abate by reason of the passage of this act, whether a suit or action has been instituted thereon at the time of taking effect of this act or not, but actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as though parts of said chapters had not been repealed.

(d) All orders, decisions, rules or regulations heretofore made, issued or promulgated by the Railroad Com-

continue in force and have the same effect as though they had been lawfully made, issued, or promulgated under the provisions of this chapter.

(b) The commission shall have power to appear and represent the interests and welfare of the people of the state of Colorado in all matters and proceedings involving any public utility or carrier now or hereafter pending before any officer, department, board, commission, or court of the United States, of any other state, or of this state, and to intervene in, protest, resist, or advocate the granting or denial of any petition, application, complaint, or other proceeding, to examine witnesses and offer evidence in any proceeding affecting the people of this state or some portion thereof, as the public interest, convenience, or necessity may appear, and to initiate or participate in judicial proceedings involving the order or decision of any such officer, department, board, or commission. (L. '13, p. 507, Sec. 66; C. L., Sec. 2974; L. '45, p. 534, Sec. 10; effective March 14, 1945.)

§67. Not to Affect Interstate or Foreign Commerce.—Neither this chapter nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress. (L. '13, p. 508, Sec. 68; C. L., Sec. 2976.)

§68. Repeal—Saving Clause.—Sections 11, 16, 17, 18, 19 and 20 of chapter 5, Laws of 1910, entitled, "An act to amend and as amended to re-enact an act entitled, 'An act to regulate common carriers in this state, to create a state railroad commission, to prescribe and define its duties, to fix the salaries of the commissioners and of the employees of the commission, to prevent the imposition of unreasonable rates and charges, to prevent unjust discriminations, to insure an adequate railway service, to prevent the giving or receiving of rebates, to prescribe the mode of procedure and the rules of evidence in relation thereto, to prescribe penalties for violations of this act, to exercise a general supervision over the conduct and operations of common carriers and to repeal all acts or parts of acts inconsistent herewith,'" be and the same are hereby repealed, and the remaining sections of said chapter 5, Laws 1910, where not in conflict with this chapter, are hereby expressly declared to be and remain in full force and effect, as if this chapter had not been passed; except that the powers and duties therein conferred upon the state railroad commission of Colorado, are hereby transferred and conferred upon the commission created by this chapter. (L. '13, p. 508, Sec. 69; C. L., Sec. 2977.)

ARTICLE 9.

Unclaimed Funds for Overcharges.

§69. When Undistributed Balance Turned Over to Municipality.—In all cases where there has been an overcharge by a public utility corporation for any commodity or service on account of which rights to refunds have accrued to any municipality or the inhabitants thereof by reason of services or commodities received through the use of the streets of such municipality, with or without a franchise, and a refund of the amount overcharged has been directed by any court or other authorized governmental tribunal, and a part of such refund has not been made because of inability to find the persons entitled thereto within the time limit fixed by such court or tribunal, then the court or tribunal shall direct that any

Under no conditions will authority be granted to make rates or rules effective upon less than one day's notice to the Commission and to the public.

RULE 18

Procedure to Change Rates or Rules of Railroads, Sleeping Car Companies, Express Companies, Motor Vehicle Common Carriers.

The provisions of this rule shall govern changes in rates or rules of all railroads, sleeping car companies, express companies, and to all motor vehicle common carriers operating in Colorado in intrastate commerce, but shall not apply to curtailment or abandonment of service or facilities. (See substantive Rules applicable to the particular carrier.)

A. Applications of Railroads, Sleeping Car Companies, Express Companies, and Motor Vehicle Common Carriers for a General Percentage Increase in Rates.

(1) **Application Required.** If a railroad, sleeping car company, express company, or motor vehicle common carrier proposes to increase a large number of rates, fares or charges by a uniform specific amount of percentage, either over a single line or over two or more lines, or to be applicable upon like basis to all lines individually, or both, the carrier shall file a formal application with the Commission petitioning for such increase, and must receive the approval of the Commission before putting such increase into effect. Such approval may, in the discretion of the Commission, be given without formal hearing and on less than thirty days' notice to the public, but such action shall not bar or affect any subsequent proceeding relative to such increases. The applicant, in addition to complying with the provisions of Rule 11 hereof, dealing with formal requirements for all applications, shall submit the following data, either in the application or attached thereto as exhibits:

(a) The amount or percentage of the proposed uniform increase.

(b) A complete and accurate statement of all the circumstances and conditions relied upon in justification of the application.

(c) A reference to prior action, if any, of this Commission or the Interstate Commerce Commission or other state commissions in any proceeding relative to or affecting both the existing and proposed rates.

B. Procedure Applicable to All Changes in Rules or Rates of Railroads, Sleeping Car Companies, or Express Companies, Not Involving a General Percentage Increase.

(1) **Procedure to Change Tariffs on Thirty Days Notice.** Where any railroad, sleeping car company, or express company desires to change a rate, tariff or rule or regulation not involving or resulting in a general percentage increase in the rates of such railroad, sleeping car company, or express company, and unless the Commission otherwise orders under Subsection (2) of this section, such railroad, sleeping car company, or express company shall give thirty days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection new schedules or tariffs, stating plainly the change or changes to be made in the rates, tariffs, schedules or regulations then in force, and the time when the change or changes will go into effect.

(2) **Requests to Amend Tariffs on Less Than Thirty Days' Notice.** Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in the form set out in Appendix D hereof. Orders authorizing

railroads, sleeping car companies, or express companies to change tariffs and schedules on less than thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions.

When a railroad, express company, or sleeping car company, or an agent, issues a schedule for two or more railroads, express companies, or sleeping car companies, and desires to make application for authority to amend the schedule on less than statutory notice, such requests as to joint schedules must be made by the railroad, express company, or sleeping car company, or agent, authorized to file the schedule, and in making them, the same form as that prescribed for use of individual railroads, express companies, or sleeping car companies shall be used, except that the request must state that it is made in the name and on behalf of all railroads, express companies, or sleeping car companies that are parties to the schedule.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

Under no conditions will authority be granted to make rates or rules effective upon less than one day's notice to the Commission and to the parties.

C. Procedure to Change Rates or Rules of Motor Vehicle Common Carriers Not Involving a General Percentage Increase.

(1) Procedure to Change Rates Prescribed under Case No. 1585.

(a) **Changes on Statutory (30-day) Notice.** Where any motor vehicle common carrier desires to change a rate, rule or regulation prescribed by the Commission in Case No. 1585, such motor vehicle common carrier shall give not less than 30 days' notice to the Commission and to the public (unless shorter time is allowed on application under this rule) by filing with the Commission and keeping open for public inspection new schedules or tariffs, stating plainly the change or changes to be made in the rates, tariffs, schedules, rules, or regulations then in force, and the time when the change or changes will go into effect. Shippers or other common carriers wishing to protest the proposed changes shall be subject to sub-section E of this Rule in regard to requirements for filing protests, including the ten-day deadline.

If the Commission, after investigation of the proposed change and after examination of protests, if any are received, believes that the public convenience and necessity will be served by approval of the proposed tariff, the Commission will, on the day following the protest deadline, enter an order in Case No. 1585 prescribing the rates, rules, or regulations contained in such tariffs as the rates to be charged or the practices to be followed by the initiating carrier and all other motor vehicle common carriers in competition with said initiating carrier, and which prescribed rate, rule, or regulation shall also be the minimum rate, rule, or regulation to be charged by all competing private carriers. Such order will provide that at the expiration of the 30-day notice period, or such other proposed effective date as may be requested by the carriers, said rates will be and become the prescribed rates, and all com-

of any provision of the constitution of this state or of this chapter, or who fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the commission, except an order for the payment of money, or who procures, aids or abets any public utility in its failure to obey, observe and comply with any such order, decision, rule direction, demand or requirement, or any part or provision thereof in a case in which a penalty has not hereinbefore been provided for such officer, agent or employee, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment. (L. '13, p. 505, Sec. 62; C. L., Sec. 2971.)

§63. Violations by Corporations Not Public Utilities—Penalty.—Every corporation other than a public utility which violates any provision of this chapter, or which fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the commission, except an order for the payment of money, in a case in which a penalty has not hereinbefore been provided for such corporation or person is subject to a penalty of not more than two thousand dollars for each and every offense. (L. '13, p. 506, Sec. 63; C. L., Sec. 2972.)

§64. Individuals Violating Chapter—Penalty.—Every person, who, either individually, or acting as an officer, agent or employee of a corporation other than a public utility, violates any provision of this chapter, or fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or portion thereof, of the commission, or who procures, aids or abets any such public utility in its violation of this chapter, or in its failure to obey, observe or comply with any such order, decision, rule, direction, demand or requirement, or any part or portion thereof, in a case in which a penalty has not hereinbefore been provided for such person, is guilty of a misdemeanor and is punishable by a fine of not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment. (L. '13, p. 506, Sec. 64; C. L., Sec. 2973.)

§65. Action to Recover Penalties—Fines Credited to Fund.—Actions to recover penalties under this chapter shall be brought in the name of the people of the state of Colorado, in the district court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. Such action shall be commenced and prosecuted to final judgment by the attorney of the commission. In any such action, all penalties incurred up to the time of commencing the same may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state in any such action, together with the costs thereof, shall be paid into the state treasury to the credit of the public utility commission fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court shall approve and order. (L. '13, p. 506, Sec. 65; C. L., Sec. 2974.)

§66. Orders, etc., of Railroad Commission—Public Utilities Commission to Represent People of State in All Proceedings Involving Public Utilities or Carriers.—(a) All orders, decisions, rules, or regulations heretofore made, issued, or promulgated by the railroad commission shall

anything or about to do anything, or permitting anything or about to permit anything to be done contrary to or in violation of law or of any order, decision, rule, direction or requirement of the commission, it shall direct the attorney of the commission to commence an action or proceeding in the district court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the corporation or person complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides, in the name of the people of the state of Colorado, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney of the commission shall thereupon begin such action or proceeding by petition to such district court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public utility complained of must answer the petition, and in the meantime said public utility may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this chapter, as appeals are taken from judgments of the district court in other actions for mandamus or injunction. (L. '13, p. 504, Sec. 60; C. L., Sec. 2969.)

§61. Violations—Penalty—Separate Offenses—Acts of Agents.—(a) Any public utility which violates or fails to comply with any provision of the constitution of this state or of this chapter, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement or any part or provision thereof, of the commission, except an order for the payment of money, in a case in which a penalty has not hereinbefore been provided for such public utility, is subject to a penalty of not more than two thousand dollars for each and every offense.

(b) Every violation of the provisions of this chapter or of any order, decision, decree, rule, direction, demand or requirement of the commission, or any part or portion thereof, except an order for the payment of money, by any corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

(c) In construing and enforcing the provisions of this chapter relating to penalties, the act, omission or failure of any officer, agent or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission or failure of such public utility. (L. '13, p. 505, Sec. 61; C. L., Sec. 2970.)

§62. Officer, Agent, Employee Violating Chapter—Penalty.—Every officer, agent or employee of any public utility, who violates or fails to comply with, or who procures, aids or abets any violation by any public utility

peting common and private carriers shall, on or before the effective date, bring their tariffs and schedules into conformance with said prescribed rates, rules, or regulations, by proper tariff filings.

(b) **When Commission Will Suspend.** If the Commission receives protests at least ten days prior to the effective date of the proposed change, sufficient in number and importance, in the judgment of the Commission to warrant further investigation, the Commission will suspend the effective date of the proposed change until further order of the Commission.

The Commission, on its own motion, may order suspension of the proposed change whether or not any protests are received.

(c) **Requests to Amend Tariffs on Less Than Thirty Days' Notice.** Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in the form set out in Appendix D hereof. Orders authorizing motor vehicle common carriers to change tariffs and schedules on less than the thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions.

When a motor vehicle common carrier or an agent issues a schedule for two or more carriers and desires to make application for authority to amend the schedule on less than statutory notice, such requests as to joint schedules must be made by the carrier, or agent, authorized to file the schedule, and in making them, the same form as that prescribed for use of individual carriers shall be used, except that the request must state that it is made in the name and on behalf of all carriers that are parties to the schedule.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

Under no conditions will authority be granted to make rates or rules effective upon less than ten days' notice to the Commission and to the parties.

(2) **Procedure for Motor Carriers to Change Rates Not Prescribed Under Case No. 1585 and Not Involving a General Percentage Increase.** Where a motor vehicle carrier desires to change or amend any rate, rule or regulation not prescribed by this Commission in Case No. 1585, and not involving a general percentage increase, the procedure to be followed by such motor vehicle carrier shall be the procedure prescribed for changes in railroad rates as set out in Rule 18 (B) of these Rules.

D. Form to Be Used by All Carriers in Applying for General Percentage Increases or Filing Schedules Changing Rates.

(1) **Consolidation of Application and Description of Territory.** The carriers over whose lines the rates are proposed to apply, may file a single application, to which shall be affixed the name of each carrier and the signature of such carrier's responsible traffic officer, but the application must show specifically a complete description of the territory to which it is proposed to have such rates applicable, and all exceptions to the proposed uniform basis.

(2) **Indicating Parties to Tariffs.** Each application made by common carriers shall show the names of the carriers for and on behalf of which it is made, or if made on behalf of all carriers parties to a particular tariff or classification, may refer by Colo. P. U. C. number to such tariff or classification, and shall be over the signature of a responsible traffic officer, or an attorney or agent, specifying his title, and shall be sworn to before an official qualified to administer oaths.

E. Protests to Rate Increases and Petitions to Suspend Tariffs or Schedules.

This rule shall apply to protests filed in opposition to rate changes proposed by railroads and motor vehicle common carriers not involving a general percentage increase.

(1) **Contents of Protest.** The protested tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier, or agent, to the publishers' tariff or schedule number and the Colo. P. U. C. number, also to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful, and state what protestant offers by way of substitution.

(2) **Deadline for Filing Protest.** A protest against, and a prayer for suspension of, any tariff or schedule filed under these Rules ordinarily will not be considered unless made in writing, and filed with the Commission at least 10 days before the effective date of the tariff or schedule. In an emergency satisfactorily shown by protestant, and within the time limits herein provided, a telegraphic protest may be sent to the Commission and to the publishing carrier, or agent, stating the grounds relied upon, but such telegraphic protest must immediately be confirmed by protest filed and served in accordance with this rule.

(3) **Number of Copies and Service of Protests.** Two copies of each protest or reply filed under this rule must be filed with the Commission and one copy of the protest simultaneously be served upon the publishing carrier, or agent, and upon other persons known by protestant to be interested.

(4) **Replies to Protest.** A reply to a protest filed under this rule should be filed with the Commission and a copy served on each protestant.

RULE 19

Forms to be Followed in Filing Tariffs, Rates, Rate Schedules, Rules and Regulations

(a) **Form of Schedules.** All public utilities operating in the State of Colorado are hereby directed and required to file, and keep on file with this Commission, schedules showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service, as provided by the Public Utilities Act.

All schedules so filed shall bear on the title page the initials Colo. P. U. C. followed by Arabic figures; each schedule filed shall be numbered consecutively beginning with Number 1, and in any reference, supplement, or amendment to such schedules, reference must be made to the number of the original schedule.

one year from the date of the order of the commission. The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this chapter provided in case of failure of a public utility to obey the order or decision of the commission. (L. '13, p. 502, Sec. 56; C. L., Sec. 2965.)

ARTICLE 8.

Enforcement of Law—Penalties.

§57. **Commission to Enforce Constitution and Laws.**—It is hereby made the duty of the commission to see that the provisions of the constitution and statutes of this state affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the state therefor recovered and collected, and to this end it may sue in the name of the people of the state of Colorado. Upon the request of the commission, it shall be the duty of the attorney general or the district attorney of the proper county or city and county to aid in any investigation, hearing or trial had under the provisions of this chapter, and to institute and prosecute actions or proceedings for the enforcement of the provisions of the constitution and statutes of this state affecting public utilities and for the punishment of all violations thereof. (L. '13, p. 503, Sec. 57; C. L., Sec. 2966.)

§58. **Disobedience of Order—Liability for Injuries—Punitive Damages.**—(a) In case any public utility shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by the constitution, any law of this state or any order or decision of the commission, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was wilful, the court may in addition to the actual damages award damages for the sake of example and by way of punishment. An action to recover such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

(b) No recovery as in this section provided shall in any manner affect the recovery by the state of the penalties in this chapter provided or the exercise by the commission of its power to punish for contempt. (L. '13, p. 503, Sec. 58; C. L., Section 2967.)

§59. **Not to Affect Other Rights—Penalties Cumulative.**—(a) This chapter shall not have the effect to release or waive any right of action by the state, the commission, or any person or corporation for any right, penalty or forfeiture which may have arisen or accrued or may hereafter arise or accrue under any law of this state.

(b) All penalties accruing under this chapter shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public utility, or any officer, director, agent or employee thereof, or any other corporation or person, or be a bar to the exercise by the commission of its power to punish for contempt. (L. '13, p. 503, Sec. 59; C. L., Sec. 2968.)

§60. **Actions to Restrain or Prevent Violations of Chapter.**—Whenever the commission shall be of the opinion that any public utility is failing or omitting to do anything required of it by law, or by any order, decision, rule, direction or requirement of the commission, or is doing

to inquire into the matters designated in this section and in section 47 of this chapter, but this provision shall not prevent the commission from making any preliminary examination or investigation into the matters herein referred to, or from inquiring into such matters in any other investigation or hearing. All public utilities affected shall be entitled to be heard and to introduce evidence at such hearing or hearings. The commission is empowered to resort to any other source of information available. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the commission. The commission shall make and file its findings of fact in writing upon all matters concerning which evidence shall have been introduced before it which in its judgment have bearing on the value of the property of the public utility affected. Such finding shall be subject to review by the supreme court of this state in the same manner and within the same time as other orders and decisions of the commission. The findings of the commission so made and filed, when properly certified under the seal of the commission, shall be admissible in evidence in any action, proceeding or hearing before the commission or any court, in which the commission, the state or any officer, department or institution thereof, or any county, city and county, municipality or other body politic and the public utility affected may be interested whether arising under the provisions of this chapter, or otherwise, and such findings, when so introduced, shall be conclusive evidence of the facts therein stated as of the date therein stated under conditions then existing and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined. The commission may, from time to time, cause further hearings and investigations to be had for the purpose of making revaluations or ascertaining the value of any betterments, improvements, additions or extensions made by any public utility subsequent to any prior hearing or investigation, and may examine into all matters which may change, modify or affect any finding of fact previously made, and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and be conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearing and finding; provided, that such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of the original findings except in so far as such supplemental findings shall change or modify the findings made at the original hearing or investigation. (L. '13, p. 501, Sec. 55; C. L., Sec. 2964.)

§56. Excess Charges—Reparation—Actions—Limitation.—(a) When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity or service, the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection, provided no discrimination will result from such reparation.

(b) If the public utility does not comply with the order for the payment of reparation within the specified time in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning excessive or discriminatory charges shall be filed with the commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within

(b) **Letters of Transmittal; Duplicate Letter or Carbon Copy Where Receipt Desired.** Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, in the following form:

LETTER OF TRANSMITTAL

(Name of Public Utility)

Advice No..... (Date)

To the Public Utilities Commission of the
State of Colorado, Denver:

Accompanying schedule issued by the.....
..... is sent you for filing
in compliance with requirements of the Public
Utilities Law:

Colo. P. U. C. No.

Supp. No..... to Colo. P. U. C. No.....

Effective, 19.....

(Signature of filing officer with title)

If a duplicate letter is filed, the Commission will stamp and return it to the utility.

Non-carrier utilities, in lieu of filing a duplicate Letter of Transmittal to be returned, may file with their letter of transmittal, a carbon copy of the proposed schedules which will be stamped and returned by the Commission.

(c) **Powers of Attorney and Concurrences as Used in Filing and Adopting Tariffs.**

(1) Whenever a common carrier desires to give authority to an attorney and agent to issue and file tariffs and supplements thereto in its behalf and stead, a power of attorney in the form set out in Appendix E shall be used.

(2) Whenever a common carrier desires to concur in tariffs issued and filed by another carrier or its agent, a concurrence in the form set out in Appendix F shall be issued in favor of such other carrier.

(3) The original of all powers of attorney and concurrences shall be filed with the Commission and a duplicate of the original sent to the agent or carrier in whose favor such document is issued.

(4) Whenever a carrier desires to cancel the authority granted an agent or another carrier by power of attorney or concurrence, this may be done by a letter addressed to the Commission revoking such authority on thirty days' notice. Copies of such notice must also be mailed to all interested parties.

RULE 20

Suspension of Intrastate Rates in Tariffs and Schedules Suspended by the Interstate Commerce Commission

When a tariff or supplement to a tariff containing both intrastate and interstate rates or regulations is suspended by the Interstate Commerce Commission for interstate application, that portion of such tariff or supplement, which contains rates or regulations applicable on intrastate traffic in Colorado may be automatically suspended by the carrier, on less than statutory notice, at the same time and for the same period; this Commission reserving the authority without a formal hearing, to reinstate any fares or regulations so suspended.

Each tariff or supplement issued under authority of this rule must bear notation:

"Issued by authority of Rule 20 of the Colorado Public Utilities Commission."

RULE 21

Procedure to Adopt Rate Schedules Where Utility or Carrier Name or Ownership Changed

A. Form of Adoption Notice. In case of a change in ownership or control of a utility or when a utility or portion of utility is transferred from the operating control of one company to that of another, or when its name is changed, the company which will thereafter operate the utility, if it intends to use the tariff publications and rates of the former operating company shall file with the P. U. C. of Colorado and post in accordance with the law an adoption notice in the form of a tariff numbered in its Colorado P. U. C. series and containing substantially the following:

The (name of new company) hereby adopts, ratifies and makes its own in every respect as if the same had been originally filed and posted by it, all schedules, contracts or other instruments whatsoever, filed with the P. U. C. of the State of Colorado by the (name of old company) prior to (date) the beginning of its possession.

B. Supplement to Tariff. In addition to the above adoption notice, the adopting carrier shall immediately file with the P. U. C. of Colorado and post as required by law, a consecutively numbered supplement to each of the effective tariffs issued or adopted by its predecessor, reading as follows:

Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of (name and trade name, if any, of the adopting carrier) as stated in its adoption notice, Colorado P. U. C. No.

Such adoption notice and supplements to tariffs as hereinbefore provided, may be made effective on immediate notice to the public and the Commission by noting thereon reference to the authority of the Commission authorizing the change.

RULE 22

Applications to Construct, Alter or Abolish Crossings, or For The Installation of Signal Lights or Other Protective Devices

A. Form of Application. When application is made for the construction, alteration or abolition of crossings (1) of public roads, highways or streets by railroads, or (2) of railroads by public roads, highways or streets, or (3) of railroad by railroads, or (4) of railroads by street railways, or (5) of street railways by railroads, or (6) of public roads or highways by street railways, or (7) of street railways by public roads or highways, or for the installation of signal lights or protective devices under the provision of the Public Utilities Act, applicant, in addition to complying with the provisions of Rule No. 11, shall submit the following data either in the application or as exhibits attached thereto:

(1) A brief, concise statement of the nature and character of the construction, approval of which is sought.

(2) Statement showing that the construction, alteration, relocation, abolition, signal lights or other protective devices is necessary and proper for the service, accommodation and convenience of the public and giving the reasons therefor.

would have been compelled to pay if the order or decision of the commission had not been stayed or suspended.

(d) In case the district court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge, or classification, the commission, upon the execution and approval of said suspending bond, shall forthwith require the public utility affected, under penalty of the immediate enforcement of the order or decision of the commission (pending review and notwithstanding the suspending order), to keep such accounts, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by such public utility, pending review, in excess of the charges allowed by the order or decision of the commission, together with the names and addresses of the corporations or persons to whom overcharges will be refundable in case the charges made by the public utility, pending review, be not sustained by the district court. The court may, from time to time, require said party petitioning for a review to give additional security on, or to increase, the said suspending bond, whenever in the opinion of the court, the same may be necessary to insure the prompt payment of said damages and said overcharges. Upon the final decision by the district court, all moneys which the public utility may have collected, pending the appeal, in excess of those authorized by such final decision, together with interest, in case the court ordered the deposits of such moneys in a bank or trust company, shall be promptly paid to the corporations or persons entitled thereto, in such manner and through such methods of distribution as may be prescribed by the commission. If any moneys shall not have been claimed by the corporations or persons entitled thereto within one year from the final decision of the district court, the commission shall cause notice to such corporations or persons to be given by publication once a week for two successive weeks in a newspaper of general circulation printed and published in the city and county of Denver and such other newspapers as may be designated by the commission, said notice to state the names of the corporations or persons entitled to such moneys and the amounts due each corporation or person. All moneys not claimed within three months after publication of said notice shall be paid by the public utility, under the direction of the commission, into the state treasury for the benefit of the general fund. (L. '13, p. 498, Sec. 53; C. L., Sec. 2962; L. '45, p. 532, Sec. 9, effective March 14, 1945.)

§54. Priority on Court Calendar.—All actions and proceedings under this chapter, and all actions or proceedings to which the commission or the people of the state of Colorado may be parties, and in which any question arises under this chapter, or under or concerning any order or decision of the commission, shall be preferred over all other civil causes except election causes and shall be heard and determined in preference to all other civil business except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the commission in any action or proceeding in which he may be allowed to intervene. (L. '13, p. 500, Sec. 54; C. L., Sec. 2963.)

§55. Valuations—Hearings—Findings—Review.—For the purpose of ascertaining the matters and things specified in section 33 of this chapter, concerning the value of the property of public utilities, the commission may cause a hearing or hearings to be held at such time or times and place or places as the commission may designate. Before any hearing is had, the commission shall give the public utility affected thereby at least thirty days' written notice, specifying the time and place of such hearing, and such notice shall be sufficient to authorize the commission

mission and each party to the action or proceeding before the commission shall have the right to appear in the review proceedings. Upon hearing, the district court shall enter judgment either affirming, setting aside, or modifying the order or decision of the commission. The provisions of the Rules of Civil Procedure of this state relating to writs of certiorari or review shall, so far as applicable and not in conflict with the provisions of this chapter, apply to proceedings had in the district court under the provisions of this section. No court of this state, except the district court to the extent herein specified, shall have jurisdiction to review, reverse, correct, or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties; provided, that the writ of mandamus shall lie from the district court to the commission in all proper cases. All actions for review shall be commenced and tried in the district court in and for the county in which the petitioner resides, or if a corporation or partnership, in the county in which it maintains its principal office or place of business, or in the district court of the city and county of Denver, at the option of the petitioner. A writ of error may be taken to the supreme court from any final judgment of the district court on review, affirming, setting aside, or modifying any order of the commission, in the same manner and with the same effect as writs of error are taken from judgments of the district court in all other civil actions. (L. '13, p. 497, Sec. 52; C. L., Sec. 2961; L. '45, p. 531, Sec. 8, Effective March 14, 1945.)

§53. Suspension of Order—Notice—Bond—Accounts Pending Review.—(a) The pendency of a writ of certiorari or review shall not of itself stay or suspend the operation of the order or decision of the commission, but, during the pendency of such writ, the district court, in its discretion, may stay or suspend, in whole or in part, the operation of the commission's order or decision.

(b) No order so staying or suspending an order or decision of the commission shall be made otherwise than upon three days' notice and after hearing, and if the order or decision of the commission is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

(c) In case the order or decision of the commission is stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been filed with, and approved by, the commission (or approved on review by the district court), payable to the state of Colorado, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the commission, and of all moneys which any person or corporation may be compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity, or service in excess of the charges fixed by the order or decision of the commission in case said order or decision is sustained. The district court, in case it stays or suspends the order or decision of the commission in any matter affecting rates, fares, tolls, rentals, charges, or classifications, shall also, by order, direct the public utility affected to pay into court from time to time, there to be impounded until the final decision of the case, or into some bank or trust company under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum such corporation or person

(3) A map of suitable scale, preferably of not less than 200 feet to the inch, showing accurately the location of all tracks, buildings, structures, property lines, streets and roads in the vicinity of the proposed crossing; also profiles showing ground lines and proposed grade lines of approaches on such public roads, highways or streets, railroads, or street railways as may be affected by the proposed crossing.

(4) Either the proposed crossing or installation of signal lights will be constructed or installed in accordance with Commission specifications.

(5) A statement of the number and character and speed of trains passing the crossing each day.

(6) A statement of the actual or estimated expenses incident to the proposed construction, signal installation, operation or abolition of the crossing, and how it is proposed to provide for the same, and the proposed apportionment of such expenses between or among the parties in interest. If agreements or contracts have been signed by parties concerned as to the apportionment of expenses, a photostatic or conformed copy of said agreements or contracts should be included.

B. Description of Crossing Services. In addition to the above contents, the application for installation of signal lights or other crossing devices should give in detail the type of signals or devices applicant proposes to install. Reference may be made to recommended standards on railroad highway grade crossing protection as published in the bulletin of the Association of American Railroads.

C. Exhibits Required. In addition to the above contents shown in Section (A) the application to construct, alter or abolish crossings should contain the following information:

(1) If the crossing is to be constructed by a railroad within the limits of an incorporated city or town, a certified copy of the franchise or portion thereof, or the permit, ordinance or other authority which gives to the railroad the right to cross the highway in question.

(2) The names of public utilities, municipalities, corporations, or adjacent property owners concerned in or affected by the proposed construction.

(3) If the crossing is at grade a statement showing why a separation of grades is not practicable under the circumstances.

(4) If the tracks of a railroad or street railway are to be constructed across another railroad or street railway, the contract between the two companies covering the crossing shall be filed.

(5) If the tracks of a railroad or street railway are to be constructed across a state highway that fact shall be stated in the petition and indicated on the map, showing either the highway as a state highway, primary or secondary highway, and the number of the same.

D. Who Shall Apply. Application for the installation of signal lights or other protective devices shall be made by the proper municipality, county, state or railroad authorities. Application for permission to construct a public highway over the tracks of a railroad or street railway shall be made by the proper municipality, county or state authorities. If in addition to the information specified heretofore, there is a statement in writing or some other evidence showing that all parties in interest are willing that the crossing should be constructed, or the signal lights or other protective devices should be installed, the Commission may be in a position to grant the application *ex parte* without a hearing.

E. Changes Exempted From this Rule. The provisions of this rule are not intended to apply where ordinary maintenance is being performed such as replacing ballast, planking or road surfacing material, renewing crossbucks, replacing of defective parts of mechanisms or burned out globes, etc.

RULE 23.

Requests by Utilities for Authority to make Rate Reparatons

The procedure prescribed in this rule authorizing utilities to make rate reparations, where by inadvertence, or otherwise, an excessive or dicriminatory rate has been collected from a shipper or customer, is designed to avoid the complicated procedure required in cases where a shipper or customer applies for a rate reparation which the carrier or utility desires to resist.

A. Informal Docket. The Commission, to simplify the procedure in reparation applications of public utilities, enters all such applications on a special reparation docket which is denominated informal only because of the form of pleadings and the absence of hearing, but orders in such cases must be regarded as formal orders as fully in all respects as orders in so-called formal cases.

B. Where Procedure Applicable. The instances in which the Commission will authorize refund or reparation on its informal docket will be confined to those in which the informal showing develops plainly a case in which the Commission would award reparation on formal hearing and in which an adjustment agreeable to shippers or consumers and the public utilities, and in conformity with the provisions of the law is reached.

C. Which Shippers or Customers Entitled to Refund. When an informal or formal reparation order has been made by the Commission, the principle upon which it is based extends to all like service, but no refunds may be made by the carrier or utility upon such like service except upon specific authority from the Commission therefor.

D. Utility Must Admit Rate Unreasonable. In cases involving refund of alleged over-charges and in which the lawful tariff rates have been applied, reparation will be authorized under informal proceedings only when the utility admits the unreasonableness of the rate charged and it is shown that it has incorporated in its tariff the rate upon which it relies as the basis of adjustment and has thus made that rate lawfully applicable.

E. New Rate to be in Force for One Year. Authority for refund on account of reduced rates or changed tariff regulations shall include a clause providing that the new rate or regulation upon the basis of which reparation is granted shall not be exceeded for a period of at least one year, which shall run from the date of authorization and not from the date when the reduced rate or any regulation became effective, provided, however, that the Commission may for good cause shown not require the maintenance of the said rate for the said period of one year.

F. Rate Must Be on File with Commission. The Commission will not recognize as a basis for reparation any rate, rule or regulation which is not on file with it.

G. Traffic or Credit Bureaus May Request Reparation. While it is the policy of the Commission to entertain complaints instituted on behalf of shippers or consumers by traffic or credit bureaus, in all such cases where reparation is awarded, the order will require payment to be made by the utility either to the consignor or consignee, as their interest may appear, in the case of common carriers, and to the consumer in the case of other utilities.

effective date of the order as to which a rehearing is sought, shall be either granted or denied before such effective date, or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than ten days of the effective date of the order as to which a rehearing is sought and not granted within twenty days may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application. If any application for a rehearing be granted without a suspension of the order involved, the commission shall forthwith proceed to hear the matter with all dispatch and shall determine the same within twenty days after final submission, and if such determination is not made within said time it may be taken by any party to the rehearing that the order involved is affirmed. Any application for rehearing shall not excuse any corporation or person from complying with and obeying any order or decision, or any requirement of any order of the commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof except in such cases and upon such terms as the commission may by order direct. If after such rehearing a consideration of all the facts, including those arising since the making of the order or decision, the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change, or modify the same. An order or decision made after such rehearing, abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission. (L. '13, p. 496, Sec: 51; C. L., Sec. 2960.)

§52. Review by District Court—Mandamus.—Within thirty days after the application for a rehearing or reconsideration is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing or reconsideration, the applicant may apply to the district court for a writ of certiorari or review for the purpose of having the lawfulness of the original order or decision on rehearing or reconsideration inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of issuance thereof and shall direct the commission to certify its record in the proceeding to the court. On the return day, the cause shall be heard by the district court, unless, for a good reason shown, the same be continued. No new or additional evidence may be introduced in the district court, but the cause shall be heard on the record of the commission as certified by it. The review shall not extend further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the constitution of the United States or of the state of Colorado, and whether the order of the commission is just and reasonable and whether its conclusions are in accordance with the evidence. The findings and conclusions of the commission on disputed questions of fact shall be final and shall not be subject to review, except that, in any proceeding wherein the validity of any order or decision is challenged on the ground that it violates any right of petitioner under the constitution of the United States, or the constitution of the state of Colorado, the district court shall exercise an independent judgment on the law and the facts, and the findings or conclusions of the commission material to the determination of the said constitutional question shall not be final. The com-

§48. Hearing on Schedules Filed—Suspension—New Rates.—Whenever there shall be filed with the commission any schedule stating an individual or joint rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, the commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative and without complaint, at once, and if it so orders, without answer or other formal pleadings by the interested public utilities, but upon reasonable notice to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, and pending the hearing and decision thereon, such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go into effect; provided, that the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not extend beyond one hundred and twenty days beyond the time when such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the commission, in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the commission shall establish the rates, fares, tolls, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find just and reasonable. All such rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations not so suspended shall, on the expiration of thirty days from the time of filing the same with the commission, or of such lesser time as the commission may grant, go into effect and be the established and effective rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules and regulations, subject to the power of the commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same. (L. '13, p. 495; Sec. 48; C. L., Sec. 2957.)

§49. Rescission, Alteration or Amendment of Order.—The commission may at any time upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it. Any order rescinding, altering, or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders and decisions. (L. '13, p. 496, Sec. 49; C. L., Sec. 2958.)

§50. Decisions Final in Collateral Actions.—In all collateral actions or proceedings, the orders and decisions of the commission which have become final shall be conclusive. (L. '13, p. 496, Sec. 50; C. L., Sec. 2959.)

§51. Rehearing—Application—Basis of Review—Order.—After any order or decision has been made by the commission, any party to the action or proceeding or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, may apply for a rehearing in respect to any matters determined in said action or proceeding and specified in the application for rehearing, and the commission may grant and hold such rehearing on said matters, if in its judgment sufficient reason therefor be made to appear. No cause of action arising out of any order or decision of the commission shall accrue in any court to any corporation or person unless such corporation or person shall have made, before the effective date of said order or decision, application to the commission for a rehearing. Such application shall set forth specifically the ground or grounds on which the applicant considers said decision or order unlawful. No corporation or person shall in any court urge or rely on any ground not set forth in said application. Any application for a rehearing made ten days or more before the

H. Time for Filing Request to make Reparation. All informal applications for reparation shall be filed within two years from the time the cause of action accrues.

I. Form of Application to make Reparation. Applications, duly verified, for authority to make reparation shall be addressed to the Public Utilities Commission of the State of Colorado, Denver, Colorado, and in the form set out in Appendix G hereof, and must be over the signature of the officer duly authorized to file such applications. In case two or more utilities are involved in the application, the proper officer of each such utility shall sign the same.

Rule 24

Procedure in Notifying Customers or Subscribers of the Abandonment, Discontinuance or Curtailment of Any Privilege or Facility of Any Electric, Gas, Telegraph, Telephone or Water Utility.

A. Notice to Commission. When any electric, gas, telegraph, telephone or water utility proposes to abandon, discontinue or curtail any service, privilege or facility, a complete explanation of all proposed changes, curtailments, discontinuances, or abandonments of any service, privilege or facility shall be filed with the Commission at least thirty days prior to the proposed effective date of such change.

B. Notice to Public. In addition to the filing of such notice with the Commission, such public utility shall prepare a typewritten or printed notice in the form set out in Sub-section C hereof, setting forth the proposed discontinuance, curtailment, or abandonment of service and the proposed effective date thereof and shall mail or deliver such notice at least 30 days before said effective date, to each of the public utilities, active customers, or subscribers affected by the proposed changes. In the event no customers are presently being served by said facility or in the case of telegraph companies, the notice shall be posted in a conspicuous space open to the public in the area involved.

C. Form of Notice. The form of notice prescribed in Sub-section B of this Rule shall be substantially in the following form:

NOTICE OF A CHANGE IN THE SERVICE OF

Date of Notice:

(Name and Address of Public Utility)

You are hereby notified that the.....
(Name of Public Utility)

by.....its.....
(Name of Officer) (Title of Officer)

has filed with The Public Utilities Commission of the State of Colorado, in compliance with the Public Utilities Act, notice of certain changes in service effective.....

(Effective Date)

unless suspended in accordance with the provisions of the Public Utility Laws of Colorado. (State fully the proposed changes in privileges or facilities which it is desired to put into effect.) (A paragraph should be included in the body of the notice to the effect that any person protesting the matters outlined in the notice shall notify The Public Utilities Commission of the State of Colorado, Denver, Colorado, at least ten days prior to the effective date of said change.)

By:
(Name and Title of Officer)

D. Proof of Public Notice. The public utility shall make an affidavit to the Commission of its compliance with Sub-section B of this Rule upon the completion of the notification specified therein, and not less than ten days prior to the date the proposed changes in privileges or facilities become effective, stating the date such notification was completed, the method used, and enclosing a copy of the notice.

E. Deadline on Protests: When Commission will Suspend Change or Abandonment.

(1) **Suspension or Protest.** If the Commission receives protests at least ten (10) days prior to the effective date of the proposed change, sufficient in number and importance in the judgment of the Commission, to warrant further investigation, the Commission will suspend the effective date of the proposed change or abandonment until further order of the Commission.

(2) **Suspension on Commission's Own Motion.** The Commission on its own motion may order suspension of the proposed change whether or not any protests are received.

F. When Commission will Approve Change or Abandonment.

(1) **Without Hearing.** If the Commission, after investigation of the proposed change, and after examination of protests, if any, and whether or not said change has been suspended, believes that the public convenience and necessity will be served by approval of the change or abandonment, the Commission will enter an order of approval and no proposed change or abandonment shall be effected unless and until such order has been entered by the Commission.

(2) **After Hearing.** If the Commission, before or after the proposed effective date and whether or not the effective date has been suspended, sets the matter for hearing, the proposed change shall not be made effective unless and until the Commission enters an order of approval.

RULE 25

Reduced Round-Trip Excursion Fares of Railroads and Motor Vehicle Common Carriers

A. Method of Establishing. Reduced fares for a round-trip excursion, limited to a designated period of not more than three (3) days, may be established without further notice, upon posting a tariff one (1) day in advance in a public and conspicuous place where tickets for such round-trip excursions are sold or to be sold, and mailing two copies thereof to the Commission. Fares for an excursion limited to a designated period of more than three (3) days and not more than thirty (30) days may be established upon like notice of three (3) days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given. Fares for an excursion limited to a designated period exceeding thirty (30) days will require the statutory notice unless shorter time is allowed in special cases by the Commission.

B. Period Rate is Effective. The term "limited to a designated period," used above, is construed to cover the period between the time at which the transportation can be used and the time at which it expires. If tariff names different selling dates for excursions which form a series, and the period of time between the first selling date and the last date upon which any ticket sold under the tariff may be used, exceeds thirty (30) days the series of excursions so provided for do not come within the period of "not exceeding thirty (30) days," and such tariff may not be used by authority of this rule. But it is permissible to establish fares for two or more distinct and separate excursions to various points and for various occasions,

pointed by the commission, and all parties in interest shall be entitled to be heard in person or by attorney.

Whenever any hearing, investigation, or other proceeding shall be assigned to an examiner for hearing, said examiner shall, after the conclusion of said hearing, transmit to the commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion. The commission may adopt, reject, or modify the findings of fact and conclusions of such examiner, or, after examination of the record of any such proceeding, enter its order therein without regard to the findings of fact and conclusions of any examiner. Pursuant to such rules and regulations as the commission may promulgate, parties to any proceeding assigned for hearing to an examiner may file written objections to such findings of fact and conclusions, whereupon the commission shall consider such objections and the findings of fact and conclusions of the examiner and enter its decision and order in said proceeding.

After the conclusion of any hearing before the commission or any commissioner, or after the record and findings of fact and conclusions of any examiner have been transmitted to the commission, or after written objections to the findings of fact and conclusions of the examiner have been filed, the commission shall make and file its order containing its decision. A copy of such order, certified under the seal of the commission, shall be served upon all parties in interest or his or its attorneys. The findings of fact and conclusions of examiners shall be served upon the parties to any proceeding only in such cases where the commission shall so order, and shall provide the time within which objections thereto shall be filed. Unless otherwise provided in this law, all orders of the commission shall become effective upon a day to be fixed by the commission in any such order, and shall continue in force either for a period which may be designated therein or until changed or abrogated by the commission. Negative orders shall be deemed to become effective on the date of entry thereof, unless otherwise provided in any such order. If an order cannot, in the judgment of the commission, be complied with within the time prescribed therein, the commission may, on application made within such time and for good cause shown, extend the time for compliance fixed in its order.

In case of an action to review an order or decision of the commission, a transcript of such testimony, together with all exhibits or copies thereof introduced and all information secured by the commission on its own initiative and considered by it in rendering its order or decision, and the pleadings, record, and proceedings in the case, shall constitute the record of the commission; provided, that, on review of an order or decision of the commission, the party seeking such review and the commission may stipulate that a certain question or questions alone, or a particular portion only of the evidence, shall be certified to the district court for its judgment, whereupon such stipulation and the question or questions and the evidence herein specified shall constitute the record on review. (L. '13, p. 494, Sec. 46; C. L., Sec. 2955; L. '45, p. 529, Sec. 7, effective March 14, 1945.)

§47. Complaint by utility.—Any public utility shall have a right to complain on any grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases, except that the complaint may be heard ex parte by the commission, or may be served upon any parties designated by the commission. (L. '13, p. 495, Sec. 47; C. L., Sec. 2956.)

any, within which the alleged violation occurred, or not less than twenty-five customers or prospective customers of such public utility. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or non-joinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant or complainants.

(b) Upon the filing of any complaint the commission shall cause a copy thereof to be served upon the person, firm or corporation complained of, together with an order requiring such defendant to satisfy or answer said complaint within a time to be fixed by the commission. Copies of all applications, petitions, and orders instituting investigations or inquiries, shall be served upon all persons, firms, or corporations who, in the opinion of the commission, are interested in, or who would be affected by, the granting or denial of any such application, petition, or other proceeding.

(c) Service in all applications, petitions, complaints, hearings, investigations, and other proceedings pending before the commission may be made upon any person upon whom a summons may be served in accordance with the provisions of the Rules of Civil Procedure of this state, or may be made personally or by mailing in a sealed envelope addressed to the person, firm, or corporation to be served, with sufficient postage prepaid to carry same to its destination by ordinary mail. In all cases wherein service is obtained by mail by the commission, the certificate of the secretary of the commission of such mailing shall be prima facie evidence that service has been obtained, and the time fixed in any order or notice shall commence to run from the date of mailing as shown in such certificate. The mailing of any notice or other paper by any other party to a proceeding shall be evidenced by the affidavit of the person mailing such notice or other paper, and the time fixed in any such notice or other paper shall commence to run from the date of mailing as shown in such affidavit.

(d) The commission shall fix the time when and place where any hearing will be had upon any application, complaint, petition, investigation, or other proceeding, and shall serve notice thereof as above provided, not less than ten (10) days before the time set for such hearing, unless the commission shall find that public interest or necessity required that any such hearing be held at an earlier date. (L. '13, p. 493, Sec. 45; C. L., Sec. 2954; L. '45, p. 528, Sec. 6, effective March 14, 1945.)

§46. Hearings—Intervention—Orders—Record—Transcript—Review of proceedings.—At the time fixed for any hearing before the commission, any commissioner, or an examiner, or, at the time to which the same may have been continued, the applicant, petitioner, complainant, the person, firm, or corporation complained of, such persons, firms, or corporations as the commission may allow to intervene, and such persons, firms, or corporations as will be interested in or affected by any order that may be made by the commission in such proceeding, shall be entitled to be heard, examine and cross-examine witnesses, and introduce evidence. A full and complete record of all proceedings had before the commission, any commissioner, or an examiner in any formal hearing had, and all testimony, shall be taken down by any reporter ap-

each such excursion limited to a designated period of not more than thirty (30) days, and for the convenience of the public and agents to announce them in a bulletin tariff under this rule. It is also permissible to show in such tariff fares for series of excursions between the same points, such series covering a period of more than thirty (30) days, provided full statutory notice of such series is thereby given, and providing title-page of publication bears notation:

"Effectiveexcept as noted in individual items, as to which full statutory notice is given."

When such items are brought forward to another issue of the tariff, they must bear notation:

"First announced in Tariff No.
Colo. P. U. C. No.
of 19....."

C. No Supplements. No supplement may be issued to any tariff that is issued under this rule except for the purpose of cancelling the tariff, and the title-page of tariff must so state. Every such tariff must bear notation on the title-page: "Issued by authority of Rule No. 25, Rules of Practice and Procedure of The Public Utilities Commission of the State of Colorado."

RULE 26

Uniform System of Accounts and Annual Reports

A. Electric, Gas and Water Utilities. All electric, gas and water utilities operating in Colorado shall follow the Uniform System of Accounts adopted by the National Association of Railroad and Utilities Commissioners, as amended by the Commission in Case No. 4693, and their annual reports shall be filed on forms supplied by this Commission.

B. Railroads, Express Companies and Sleeping Car Companies. All railroads, express companies and sleeping car companies operating in Colorado shall follow the Uniform System of Accounts adopted by the Interstate Commerce Commission and the National Association of Railroad and Utilities Commissioners, and their annual reports shall be filed on forms supplied by this Commission.

C. Telephone and Telegraph Companies. All telephone and telegraph companies operating in Colorado shall follow the Uniform System of Accounts adopted by the Federal Communications Commission, and their annual reports shall be filed on forms supplied by this Commission.

D. Pipeline Companies. Pipeline companies shall adopt the system of accounts approved for the particular company upon application to the Commission.

RULE 27

Additional Information

Additional information with reference to proceedings before the Commission may be secured by applying to the Commission's Secretary or the Staff.

RULE 28

Deviation from Rules

In special cases, for good cause shown, not contrary to statute, the Commission may permit deviation from these rules insofar as it may find compliance therewith to be impossible or impracticable.

RULE 29

Amendments of Rules

These Rules may be amended at any time by the Commission.

APPENDICES

APPENDIX A

FORM OF FORMAL COMPLAINT BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

(Insert name of each complainant),
Complainant,

v.

(Insert name of each defendant,
Defendant.

Case No.
(To be inserted by the
Secretary of the
Commission.)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(1) That (here state occupation and postoffice address of each complainant).

(2) That (here insert full name, occupation and post-office address of each defendant).

(3) That (here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation).

WHEREFORE, complainant asks (here state specifically the relief sought).

Dated at....., Colorado, this.....day of
....., 19.....

.....
(Name of each Complainant)

.....
(Name and address of attorney, if any)

APPENDIX B

ANSWER TO FORMAL COMPLAINT BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

(Insert name of each complainant),
Complainant,

v.

(Insert name of each defendant),
Defendant.

Case No.
(To be inserted by the
Secretary of the
Commission.)

ANSWER

The above named defendant, for answer to the complaint in this proceeding, respectfully states:

(1) That (here set out specific denials of such material allegations of the complaint as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue numbering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

.....
(Name of defendant)

.....
(Name and address of attorney, if any.)

for each one thousand dollars over ten million dollars with a minimum fee in any case of fifty dollars; provided, that no fee shall be required when such issue is made for the purpose of guaranteeing, taking over, refunding, discharging or retiring any bond, note or other evidence of indebtedness up to the amount of the issue guaranteed, taken over, refunded, discharged or retired. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as "the public utility commission fund," which fund is hereby created and appropriated toward the payment of the salaries and expenses of the commission, as provided in section 11 (a) and (b) of this chapter. (L. '13, p. 491, Sec. 42; C. L., Sec. 2951.)

§43. Power to inspect books and accounts—Examine employees.—The commission, each commissioner and each officer and person employed by the commission shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public utility, and the commission, each commissioner and any officer of the commission or any employee authorized to administer oaths shall have the power to examine under oath any officer, agent or employee of such public utility in relation to the business and affairs of said public utility; provided, that any person other than a commissioner or an officer of the commission demanding such inspection shall produce under the hand and seal of the commission his authority to make such inspection; and, provided, further, that a written record of the testimony or statement so given under oath shall be made and filed with the commission. (L. '13, p. 492, Sec. 43; C. L., Sec. 2952.)

§44. Production of documents from without state.—The commission may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility in any office or place without this state, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the commission or under its direction. (L. '13, p. 493, Sec. 44; C. L., Sec. 2953.)

§45. Complaints—Service—Notice of hearing.—(a) Complaint may be made by the commission on its own motion, or by any corporation, person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural, or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility, including any rule, regulation, or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the county, city and county, or city or town, if

ments as required by any subpoenas issued by the commission or any commissioner. The commission or the commissioner before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the district court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this chapter, and that the witness has failed and refused to attend or produce the papers required by the subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce or cause to be produced documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any public utility immunity of any kind. (L. '13, p. 489, Sec. 40; C. L., Sec. 2949.)

§41. Certified Copies—Evidence—Orders in Writing.—

(a) Copies of all official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner or by the secretary under the official seal of the commission to be true copies of the originals, shall be evidence in like manner as the originals.

(b) Every order, authorization or certificate issued or approved by the commission under any provision of sections 27, 28, 35, 36 or 37 of this act shall be in writing and entered on the records of the commission. Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a commissioner or by the secretary under the official seal of the commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect. (L. '13, p. 491, Sec. 41; C. L., Sec. 2950.)

§42. Fees—Public utility commission fund.—The commission shall charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the commission, twelve and one-half cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility, two dollars; for each certified copy of the annual report of the commission, one dollar and fifty cents; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio; for certificate authorizing an issue of bonds, notes or other evidences of indebtedness, one dollar for each thousand dollars of the face value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents

APPENDIX C

FORM OF FORMAL APPLICATION BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

In the Matter of the Application of
(here insert name of each applicant)
for (here insert desired order, au-
thorization, permission, or certi-
ficate, thus: "order authorizing issue
of stock and bonds").

Case No.
(To be inserted by the
Secretary of the
Commission.)

APPLICATION

The applicant (here insert name of each applicant) respectfully shows:

1. That applicant is engaged in the business of (here insert nature of business and territorial extent thereof).

2. That the address of each applicant is

3. That (here insert fully and clearly the facts required by these rules, and any additional facts which the applicant desires to state).

WHEREFORE, applicant asks that The Public Utilities Commission of the State of Colorado make its order authorizing applicant to (here state specifically the action which the applicant desires The Public Utilities Commission to take).

Dated at....., Colorado, this.....day
of.....19.....

(Name of each applicant)

(Name and address of attorney, if any.)

APPENDIX D

FORM OF APPLICATION TO AMEND TARIFFS AND TIME SCHEDULES ON LESS THAN THIRTY (30) DAYS' NOTICE

(Name of Utility)

(Place and Date)

To The Public Utilities Commission
of the State of Colorado:
Denver, Colorado

The.....by.....
(Name of Utility) (Name of Officer)
its.....does hereby respectfully
(Title of Officer)

petition The Public Utilities Commission of the State of Colorado that it be permitted to put in force the following rates, rules or changes, to become effective.....days after the filing thereof with the Commission:

(State fully the rates, rules or changes which it is desired to put into effect.)

Your petitioner further represents that the said rates, rules or changes above mentioned will be published in Colo. P. U. C. No..... and will supersede and take the place of rates, rules or time schedules which are set

APPENDIX D—cont'd

forth in Colo. P. U. C. No. on file with the Commission, and which rates, rules or time schedules are as follows, to wit:

(Here state fully the present rates, rules or time schedules, or if too numerous, name those which are indicative, or generally describe the rate basis, rules or time schedules.)

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

(State fully all the circumstances and conditions which are relied upon as justifying the application.)

By:
(Name and Title of Officer)

APPENDIX E

FORM OF POWER OF ATTORNEY TO ISSUE AND FILE TARIFFS

Colo. P. U. C. A-1 No.

Cancels Colo. P. U. C. A-1 No.

(Name of Carrier)

(Post Office Address)

Size — 8½" x 11"

KNOW ALL MEN BY THESE PRESENTS:

That the (name of carrier) has made, constituted and appointed and by these presents does make, constitute and appoint (name of principal agent appointed) its true and lawful attorney and agent for the said carrier, and in its name, place and stead, (1) for it alone, and (2) for it jointly with other carriers, to publish and file freight rate tariffs specifying (HERE STATE WHETHER POWER OF ATTORNEY INCLUDES RATES, CHARGES, RULES, OR CLASSIFICATIONS APPLYING FROM, TO OR AT POINTS ON OR VIA CARRIER'S ROUTE OR ROUTES) as required regulations established by the Public Utilities Commission of Colorado. (If the authority granted runs only to a specific tariff, so state and describe such issue as follows:)

Here give exact description of title page of tariff, or classification including Colo. P. U. C. number and name of series. When date of issue and/or effective date are determined such date or dates must be shown.

And the said (name of carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said carrier, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

And, further, that the (name of carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint as alternative (name of alternative agent appointed) its true and lawful attorney

ess shall receive such compensation as may be allowed by the commission, not to exceed the fees now prescribed by laws for similar services, and such fees shall be paid in the same manner as provided herein for payment of the fees of witnesses.

(b) In any investigation, inquiry, hearing, or other proceeding pending before the commission, any commissioner, or any examiner of the commission, the depositions of witnesses may be taken, both within and without the state of Colorado, under the same circumstances and in the same manner as provided by the Rules of Civil Procedure for the taking of depositions in courts of record.

(c) A party to the record of any investigation, inquiry, hearing, or other proceeding pending before the commission, any commissioner, or any examiner of the commission, or a person for whose immediate benefit such investigation, hearing, or other proceeding is prosecuted or defended, or the directors, officers, superintendent, or managing agent of any corporation, which is a party to the record in such investigation, hearing, or other proceeding, may be examined upon the hearing thereof, or upon deposition, or both, as if under cross-examination, at the instance of the commission or any adverse party or parties, or any of them, and for that purpose may be compelled, in the same manner and subject to the same rules for examination as any other witness, to testify, but the party calling for such examination shall not be concluded thereby but may rebut it by counter testimony. (L. '13, p. 489, Sec. 39; C. L., Sec. 2948; L. '45, p. 527, Sec. 5, effective March 14, 1945.)

§40. Administration of Oaths—Compulsion of Testimony—Fees.—(a) The commission and each commissioner, shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state. Each witness who shall appear, by order of the commission or a commissioner, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the commission, his fees and mileage shall be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpoenaed except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fees to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission or commissioner, as directed in the subpoena. All fees and mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable. No witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation.

(b) The district court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission or any commissioner shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including waybills, books, accounts and docu-

ARTICLE 6.

Acquisition by Towns and Cities.

§37. **Financing Acquisition of Public Utilities by Cities and Towns.**—In any city or town now or hereafter possessed of authority to acquire public utilities, operating under general law or under the twentieth amendment to the constitution of the state of Colorado, unless otherwise provided by the charter of such city or town, no public utility shall be acquired until the plan for such acquisition shall have been adopted by ordinance, and such ordinance approved by a majority of the qualified property electors of such city or town, as shall in the next year preceding the year of election have paid a property tax therein. Nothing in this paragraph contained shall prevent the institution of condemnation proceedings as may be provided by law.

Such ordinance shall describe the property to be acquired; the full purchase price to be paid by such city or town therefor and the method of payment thereof, as well as the total obligations to be incurred by such city or town, in making such acquisition, whether by way of general obligation bonds of such city or town, issued under the provisions of section 8, article XI of the constitution of the state of Colorado and/or by way of obligations chargeable solely or in part against the income of such utility. In event of the issuance of obligations payable solely out of income, all operating and other costs shall be met solely out of income of the utility acquired.

Said ordinance may provide for the payment into such fund for service to be rendered for municipal purposes, but such payments shall at all times be reasonable. (L. '27, pp. 730, 731, Sections 1-3.)

ARTICLE 7.

Hearings and Investigations.

§38. **Rules for Hearings and Investigations.**—All hearings and investigations before the commission, or any commissioner, or any examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and, in the conduct thereof, neither the commission, any commissioner, nor any examiner shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission, any commissioner, or any examiner shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission. (L. '13, p. 489, Sec. 38; C. L., Sec. 2947; L. '45, p. 527, Sec. 4, effective March 14, 1945.)

§39. **Issuance, Service and Execution of Process—Fees—Depositions—Examination of Witnesses.**—(a) The commission, each commissioner, and the secretary of the commission shall have power to issue notices, orders to satisfy or answer, writs of summons, subpoenas, and commissions to take the deposition of any witness whose testimony shall be required in any proceeding pending before the commission, in like manner and to the same extent as courts of record. The process issued by the commission, any commissioner, or the secretary of the commission, shall extend to all parts of the state and beyond the boundaries thereof as may be provided by law or the Rules of Civil Procedure, and may be served by any person authorized to serve process of courts of record, or by any person designated for that purpose by the commission or a commissioner, or by ordinary mail, postage prepaid, as provided in section 45 hereof. The person executing any such proc-

APPENDIX E—cont'd

and agent, for said carrier and in its name, place and stead, (1) for it alone and (2) for it jointly with other carriers in case and only in case of the death or disability of the said (here insert name of principal agent) to do and perform the same acts and exercise the same authority as hereinabove granted to (here insert name of agent first hereinabove named.)

In witness whereof the said carrier has caused these presents to be signed in its name by its (here give title of person signing) at (name of city or town) in (name of county) State of (name of State) on this (date) day of (month) 19.....

.....
(Name of carrier in full)

Attested:.....

(Witness)

By.....
(Name and title of person signing)

(CORPORATE SEAL IF ANY)

APPENDIX F

FORM OF CONCURRENCE IN TARIFF

Colo. P. U. C. C1 No.....

Cancels Colo. P. U. C. C1 No.....

(Name of Carrier)

(Post Office Address)

.....19.....

Size: 8½" x 11"

To The Public Utilities Commission
of the State of Colorado

State Office Building
Denver, Colorado

This is to certify that the (name of carrier) assents to and concurs in the publication and filing of any tariff or supplement thereto which (name of carrier to whom concurrence is given) or its agent may publish and file and in which this carrier is shown as a participating carrier and hereby makes itself a party thereto and bound thereby, insofar as such tariff or supplement contains (HERE SPECIFY WHETHER RATES OR CHARGES APPLYING FROM, TO OR AT POINTS ON OR VIA ITS ROUTE OR ROUTES OR CLASSIFICATIONS) until this authority is revoked by formal notice of revocation filed with the Public Utilities Commission of Colorado and sent to the carrier to which this concurrence is given. (If the authority granted runs only to a specific tariff, so state and describe such issue as follows:)

Here give exact description of title page of tariff or classification including Colo. P. U. C. number and name of series. When date of issue and/or date effective are determined, such date or dates must be shown.

.....
(Name of Carrier in full)

By.....
(Name and title of person signing)

Attested:.....

(Witness)

(CORPORATE SEAL IF ANY)

APPENDIX G

FORM OF APPLICATION FOR AUTHORITY TO MAKE REPARATION

Before
THE PUBLIC UTILITIES COMMISSION
of the
STATE OF COLORADO

Complainant,

v.

Defendant.

Reparation Application No.

Applicant's No.

..... Co. Claim No.

Request for authority to refund.

\$

To The Public Utilities Commission
of the State of Colorado,
Denver, Colorado.

The respectfully applies
under Section 18 (c) of Ch. 137, 1935 C. S. A., and in full
compliance with the Commission's Rules, for an order
authorizing the payment to the above-named claimant of

..... State of

of the sum of (\$.....)

as special reparation in connection with the following:

(State full reference to shipments made or
service rendered)

The aggregate charges actually collected \$.....

date paid 19..... By Whom Paid.....

..... The rates lawfully
applicable at the time the service was rendered:

(Give full reference to rates, showing Colo.
P. U. C. No. etc.)

The rate sought to be applied:

(Give full reference to rates, showing Colo.
P. U. C. No. etc.)

The aggregate charges at the claimed rate
would be \$.....

Explanations and comments:

(Here may follow such statement and explana-
tions as the case may require, including a pos-
sible cause or causes for not requiring the
maintenance of said rate for the period of one
year.)

Exhibit 1, attached, is a statement of billing in the
standard form, and corresponds to the checked billing of
the auditing department. (Applies to common carriers
only).

The undersigned who makes this application in the
name of his company certifies that he has familiarized

acquire the property of any public utility, unless the
municipality shall waive such right to so acquire by
electing to purchase the plant, property or facilities of a
public utility or a part thereof as provided in this chapter;
and, provided, further, that nothing herein contained shall
in any way interfere with any existing legal right which
a municipality may have to impose reasonable charges
upon a public utility for the use of the streets, alleys and
ways of the municipality by a public utility.

(g) Any municipality which has acquired or con-
structed any public utility plant, property, or facility shall
have the power to contract with a public utility for the
operation of any part or the whole thereof, subject to
the provisions of this chapter, and to exercise by the
commission in respect to such public utility of the powers
of regulation and supervision conferred upon it by this
chapter.

(h) Provided, however, that this section shall not
apply to steam railroads; and no municipality shall have
the power or authority under this section to acquire any
of the property which is connected with or used in aid
of the general plant or system of any common carrier,
as defined by "An act to regulate commerce," approved
February 4, 1887, and the existing acts amendatory thereof
and supplemental thereto.

(i) Any certificate of public convenience and neces-
sity, or rights obtained under any such certificate held,
owned, or obtained by any public utility, may be sold, as-
signed, or leased as other property, only upon authorization
by the commission and upon such terms and conditions as
the commission may prescribe.

(j) It shall be the duty of every common carrier and
every public utility operating in, through, or into the state
of Colorado, to file with the commission a designation
in writing, under oath, of the name and post office address
of a person upon whom service of notices or orders in
proceedings pending before the commission may be made.
Such designation may from time to time be changed by
like writing similarly filed. In default of such designa-
tion, service of any notice or order may be made by post-
ing such order or notice in the office of the secretary of
the commission.

Every common carrier and every public utility operat-
ing in, through or into the state of Colorado shall also
file with the secretary of the commission a designation in
writing, under oath, of the name and post office address
of a person in the state of Colorado upon whom process
issued by or under the authority of any court or board
having jurisdiction of the subject matter may be served
in any judicial or other proceeding brought against such
carrier or utility in this state. Such designation may from
time to time be changed by like writing similarly filed.
In default of such designation as herein provided, service
may be made upon any agent, representative, or employee
of such carrier or utility found within the state. Provided,
however, that nothing in this section shall apply to railroad
corporations, nor to any common carrier doing business
in this state which has qualified to do business under the
general corporation laws of this state and has filed the
designation of an agent for service of process under said
corporation laws in the office of the secretary of state.
(L. '17, p. 418, Sec. 1; C. L., Sec. 2946; L. '45, p. 526,
Sections 2, 3, effective March 14, 1945; L. '45, p. 535, Sec.
11, effective March 14, 1945; L. '49, p. 565, Sec. 1.)

invested, for issuing said public convenience and necessity certificate.

(d) Every license, permit or franchise hereafter granted to any public utility other than a municipality shall be subject to the provision that the municipality in which all or part of its property is situated may purchase the property of such public utility actually used and useful for the convenience of the municipality at any time as provided herein, paying therefor just compensation to be determined by the commission and according to the terms and conditions fixed by said commission. Any such municipality is authorized to purchase such property, and every such public utility is required to sell such property at the value and according to the terms and conditions determined by the commission.

(e) Any municipality shall have the power to purchase either with or without an agreement with any public utility or to acquire and to operate the property of any public utility actually used and useful for the convenience of the public then operating under a license, permit or franchise existing at the time this law takes effect, or operating in such municipality without any permit or franchise.

(f) Whenever the commission shall have been notified by either party that the officials of a municipality have, by ordinance duly passed, expressed the intention and desire of the municipality to purchase the plant, property or facilities of a public utility, and that the parties of such purchase and sale have been unable to agree on just compensation to be paid and received or the officials of a municipality have by ordinance duly passed, expressed the intention and desire of the municipality to purchase any such plant, property or facilities of a public utility and the owner thereof has refused to sell the same, the commission shall proceed to set a time and place for a public hearing upon the matters of the just compensation to be paid for the taking of the property of such public utility and of all other terms and conditions of the purchase and sale, and shall give to the municipality and the public utility interested not less than 30 days' notice of the time and place when and where such hearing will be held and such matters considered and determined, and shall give like notice to all mortgagees, trustees, lienors, and all other persons having or claiming to have any interest in such public utility, by publication of such notice once a week for not less than three successive weeks in at least one newspaper of general circulation and published in the county in which the property of such public utility to be taken is located, which publication shall be caused to be made by the municipality. Within a reasonable time, not exceeding one year, after the time fixed for such hearing in such notice, the commission shall, by order, fix and determine and certify to the municipal council, to the public utility and to any mortgagee, trustee, lienor or other creditor appearing at such hearing, the just compensation to be paid for the taking of the property of such public utility actually used and useful for the convenience of the public, and all other terms and conditions of sale and purchase which it shall ascertain to be reasonable. The compensation and other terms and conditions of sale and purchase so certified shall constitute the compensation and terms and conditions to be paid, followed and observed in the purchase of such plant from such public utility. Upon the filing of such certificate with the clerk of such municipality, and upon compliance with the terms and conditions of sale so certified, the exclusive use of the property taken shall vest in such municipality; provided, however, that this chapter shall in no way interfere with any existing right of condemnation of a municipality to

APPENDIX G—cont'd

himself with all the facts and figures upon which this application is made and knows the same to be correct.

..... Company

By.....

Its.....

.....19..... Colorado.

Subscribed and sworn to before me this..... day of..... 19.....

.....
Notary Public.

The undersigned company joins in the foregoing application.

..... Company

By.....

Its.....

.....19.....

..... Colorado.

Subscribed and sworn to before me this..... day of..... 19.....

.....
Notary Public.

PROCEDURE TO OBTAIN MOTOR VEHICLE CARRIER PERMITS

from

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
STATE OFFICE BUILDING
DENVER, COLORADO

This letter has been prepared with a view to giving information about motor vehicle operations. We suggest that you read it carefully, as you will probably find all the information which you desire. If, however, you are sure that some question which you have is not answered herein, we shall be glad to answer it if so requested by letter. Pages 4 and 5 show steps in filing applications for private, common and commercial carrier permits, and requirements to complete before permits are issued. This memorandum is based upon the Commission's rules and on the statutes relating to motor carriers, being Sections 300-370 of Chapter 16, 1935 Colorado Statutes Annotated.

Carriers for Hire. Carriers for hire haul freight for others for compensation. They are divided into two classes, common and private. The common carrier is one who serves or holds himself out as ready to serve the public indiscriminately. He may be such a carrier even though he is transporting only one commodity, such as live stock, milk, motions picture films, etc. A private carrier is one whose transportation is based upon a contract between himself and his customer. No private carrier may engage in transportation without first having filed duplicate copies of his contracts or memorandum thereof on forms supplied by the Commission. A private carrier cannot haul for any person or corporation, unless name of such customer is filed with the Commission.

Common Carriers Doing Business in Intrastate Commerce

Intrastate commerce consists of the transportation of freight from one point to another in a given State. Before one can engage in such business as a common carrier in Colorado, he must secure a certificate of public convenience and necessity from this Commission. Procedure to follow in filing for this type of permit is outlined on page 5 hereof.

Common Carriers Doing Business in Interstate Commerce, Only

Interstate commerce consists of the transportation of freight from a point in one State to a point in another State. The permit for the doing of such business by a common carrier issues as a matter of course upon the filing of an application therefor and payment of total fees of \$20 and cash deposit of \$10.00, filing of description of equipment and necessary insurance, as hereinafter dealt with. Such permits are issued subject to the provisions of the Federal Motor Carrier Act of 1935.

Two Classes of Private Carriers

Private carriers are divided into Class A and Class B. Class A are those who operate "over substantially regular or established routes or between substantially fixed termini or to a fixed terminus or termini." Class B are those who do not operate over substantially regular or established routes or between substantially fixed termini or to a fixed terminus or termini. Most private carriers are Class B carriers.

and, provided, further, that if any such public utility, in constructing or extending its line, plant or system shall interfere or be about to interfere with the operation of the line, plant or system of any other public utility already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order prohibiting such construction or extensions or prescribing such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable.

(b) No public utility shall henceforth exercise any right or privilege under any franchise, permit, ordinance, vote or other authority hereafter granted, or under any franchise, permit, ordinance, vote or other authority heretofore granted, but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege; provided, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise, permit, ordinance, vote or other authority heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; and, provided, further than this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this state.

(c) Before any certificate may issue under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise, permit, ordinance, vote or other authority of the proper county, city and county, municipal or other public authority. The commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated facility, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require. If such public utility desires to exercise a right or privilege under a franchise, permit, ordinance, vote or other authority which it contemplates securing, but which has not yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after such public utility has obtained the contemplated franchise, permit, ordinance, vote or other authority. Upon the presentation to the commission of evidence satisfactory to it that such franchise, permit, ordinance, vote or other authority has been secured by such public utility, the commission shall thereupon issue such certificate. The commission shall charge a reasonable fee, not exceeding fifty cents on each one thousand dollars of capital to be

memoranda prescribed by it shall not be inconsistent in the case of corporations subject to the provisions of the act of congress entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, with the systems and forms from time to time established for such corporations by the interstate commerce commission, but nothing herein contained shall affect the power of the commission to prescribe forms of accounts, records and memoranda covering information in addition to that required by the interstate commerce commission. The commission may, after hearing had upon its own motion or upon complaint, prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited. Where the commission has prescribed the forms of accounts, records or memoranda to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state or of the United States, excepting such accounts, records or memoranda as shall be explanatory of and supplemental to the accounts, records or memoranda, prescribed by the commission. (L. '13, p. 480, Sec. 33; C. L., Sec. 2944.)

§35. Depreciation account—Rules—Fund.—The commission shall have power, after hearing, to require any or all public utilities to carry a proper and adequate depreciation account in accordance with such rules, regulations and forms of accounts as the commission may prescribe. The commission may, from time to time, ascertain and determine and by order fix the proper and adequate rates of depreciation of the several classes of property of each public utility. Each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed, and shall set aside the money so provided for out of the earnings and carry the same in a depreciation fund and expend such fund only for such purposes and under such rules and regulations, both as to original expenditure and subsequent replacement as the commission may prescribe. The income from investments of moneys in such fund shall likewise be carried in such fund. (L. '13, p. 481, Sec. 34; C. L., Sec. 2945.)

ARTICLE 5.

New Construction—Extension—Suspension.

§36. New Construction—Extension—Resumption of Suspended Operations—Purchase by Municipality—Contract—Certificate of Public Convenience Assignable—Filing Name of Person for Service of Notice or Process—Permit for Electric Service.—(a) No public utility shall henceforth begin the construction of a new facility, plant or system, or of any extension of its facility, plant or system, without first having obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; provided, that this section shall not be construed to require any corporation to secure such certificate for an extension within any city and county or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory, either within or without a city and county or city or town, contiguous to its facility, or line, plant or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business;

Private Carriers Doing Business in Intrastate Commerce—Rates to Be Charged

Private carriers who desire to operate in intrastate commerce only should file an application for such authority and follow the procedure outlined below.

The law relating to private carriers engaged in intrastate commerce forbids such carriers by discrimination or unfair competition from destroying or impairing the service or business of any motor vehicle common carrier, and requires them to charge rates for their service which shall not be less than the rates prescribed by the Commission for motor vehicle common carriers with whom such private carriers are in competition.

Private Carriers Doing Business in Interstate Commerce

Private carriers engaged in interstate commerce only, secure their permits in much the same manner as do common carriers operating in intrastate commerce. They file an application on a form furnished by the Commission with filing fee of \$5.00 and minimum cash deposit of \$10.00. The permit issues as a matter of course, without a hearing, when description of equipment, proper insurance, and list of customers are filed. Such permits are issued subject to the provisions of the Federal Motor Carrier Act of 1935.

Commercial Carriers

Commercial carriers, as defined by statute, are all persons, firms and corporations operating motor vehicles used in the transportation of property sold or to be sold by them in the furtherance of any private commercial enterprise, or property of which such truck operator is the owner or lessee when transported for the purpose of lease or rent, over the public highways of this State. For example, the following people would be classed as commercial carriers: A merchant or peddler buying his goods in Denver and hauling them to Boulder for the purpose of sale; a live stock peddler buying live stock from a farmer and hauling it to market; a wholesaler, jobber or retailer transporting goods sold or to be sold, whether from store to store or from store to customer.

All commercial carriers except those referred to in the next paragraph are required to secure a permit. The procedure to follow in obtaining a commercial carrier permit is outlined below.

Farmers hauling farm products or live stock in their own vehicles, actually grown or produced by them, and commercial carriers operating **EXCLUSIVELY WITHIN THE LIMITS OF AN INCORPORATED TOWN OR CITY** need no permit for such operations and pay no tax thereon.

Insurance Required of All Carriers

All types of carriers mentioned hereinabove, before operating under any certificate or permit, must secure public liability insurance in the minimum amount of \$5,000 and \$10,000 and property damage insurance in the amount of \$1,000 on each piece of equipment operated. Common carriers operating in intrastate commerce are required to file, in addition, cargo insurance on each piece of equipment operated in the minimum amount of \$500 on all freight carried in a truck of one ton or less capacity, of \$750 on all freight carried in a truck with a capacity over one ton and not exceeding three and a half tons, and of \$1000 on all freight carried in trucks rated over three and a half tons capacity.

The Commission does not require the filing of policies covering public liability and property damage, and cargo liability insurance, but in lieu thereof certificates of insurance must be filed. Said certificates to be filed by insurance companies on forms prescribed by the Commission.

No certificate of insurance will be accepted unless written by a company having a license to do business in Colorado. When authority of company to do business in the State terminates, other insurance must immediately be procured and filed. Insurance must comply with all requirements made by the rules and regulations of the Commission.

Reports and Highway Compensation Taxes

All common, private and commercial carriers are required to file with the Commission on forms furnished by it, monthly reports, on or before the 10th day of the month following the month in which the hauling was done, showing the ton miles of freight hauled. The State Revenue Department will mail a statement to the carrier on or before the 25th day of the month in which the report is filed, showing the amount of tax due the State for such hauling. This tax must be paid by the carrier to the State Revenue Department, Capitol Annex Building, Denver, on or before the 5th day of the following month. Example: A report is made covering hauling during the month of June. It is filed with the Commission on or before July 10th. The Revenue Department mails you a statement on July 25th; your payment on this statement would be due on or before August 5th.

Common and private carriers are required to pay tax on entire mileage when transporting freight out of or into a town or city. Commercial carriers pay only the mileage outside of corporate limits. Example: Freight is transported from a point in Denver to Boulder. If carried by a common or private carrier the tax is imposed for the whole distance. If carried by a commercial carrier the tax is imposed for the distance between the city boundaries of the two cities, less the mileage within any incorporated towns or cities through which the highway passes.

Reciprocity

All laws, rules and regulations governing motor transportation upon the public highways apply alike to resident and non-resident operators. No reciprocity agreements exist except with respect to license plates in some instances. License plate information can be obtained from Mr. C. H. Gunn, Motor Vehicle Division, Revenue Department, Capitol Annex, Denver, Colorado.

Cash Deposits

Whenever authority is granted to a motor vehicle carrier who has not theretofore been operating in Colorado, said carrier is required to pay a minimum cash deposit of \$10.00 to guarantee and insure the prompt filing of monthly reports and payment of highway compensation taxes. In lieu of a cash deposit, carriers may file a surety bond, or deposit obligations of the U. S. or State of Colorado of par value of not less than \$10.00.

Tariffs

The law requires all common and private carriers to file tariffs with the Commission. Our Rate Department should be consulted as to requirements.

HOW TO OBTAIN YOUR PERMIT

Commercial Carrier Permit

Step 1. File application (Form to be supplied by Commission) with filing fee of \$10.00 and minimum cash deposit of \$10.00.

consignors and consignees to conform to such rules as provided in this chapter. (L. '13, p. 479, Sec. 30; C. L., Sec. 2941.)

§32. Standards for Electricity, Gas and Water—Entry to Premises—Testing of Meters.—(a) The commission shall have power, after hearing had upon its own motion or upon complaint, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed by all electrical, gas, and water public utilities; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such product, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurement and weighing; and to provide for the examination and testing of any and all appliances used for the measurement or weighing of any product, commodity or service of any such public utility.

(b) The commissioners and their officers and employees shall have power to enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this chapter, and to set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of such public utility shall have the right to be present at the making of such examinations and tests.

(c) Any consumer or user of any product, commodity or service of a public utility may have any appliance used in the measurement thereof tested upon paying the fees fixed by the commission. The commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumers or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user, under such rules and regulations as may be prescribed by the commission. (L. '13, p. 479, Sec. 31; C. L., Sec. 2942.)

§33. Valuations of Property.—The commission shall have power to ascertain the value of the property of every public utility in this state and the facts which in its judgment have or may have any bearing on such value. The commission shall have power to make revaluations from time to time and to ascertain all new constructions, extensions and additions to the property of every public utility. (L. '13, p. 480, Sec. 32; C. L., Sec. 2943.)

§34. Prescribe Uniform System of Accounts.—The commission shall have power to establish a system of accounts to be kept by all public utilities, or to classify said public utilities and to establish a system of accounts for each class, and to prescribe the manner in which such accounts shall be kept. It may also in its discretion prescribe the forms of accounts, records and memoranda to be kept by such public utilities, including the accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys, and any other forms, records and memoranda which in the judgment of the commission may be necessary to carry out the provisions of this chapter. The system of accounts established by the commission and the forms of accounts, records and

any other public service company at grade, or above or below grade, or at the same or different levels; or at which the tracks or other facilities of any railroad corporation or street railway corporation may be constructed across the tracks or other facilities of any other railroad corporation or street railway corporation or across any public highway at grade, or above, or below grade; or at which any public highway may be constructed across the tracks or other facilities of any railroad corporation or street railway corporation at grade, or above or below grade; and to determine, order and prescribe the terms and conditions of installation and operation, maintenance and protection of all such crossings which may now or hereafter be constructed including the watchman thereat or the installation and regulation of lights, block, interlocking or other system of signaling, safety appliance devices or such other means or instrumentalities as may to the commission appear reasonable and necessary, to the end, intent and purpose that accidents may be prevented and the safety of the public promoted.

The commission shall also have power upon its own motion or upon complaint and after hearing as hereinbefore provided (of which all the parties in interest including the owners of adjacent property shall have due notice), to order any crossing aforesaid now existing or hereafter constructed at grade or at same or different levels to be re-located or altered or to be abolished according to plans and specifications to be approved and upon just and reasonable terms and conditions to be prescribed by the commission, and to prescribe the terms upon which the separation should be made, and the proportion in which the expense of the alteration or abolition of the crossing, or the separation of the grade, should be divided between the railroad or street railway corporation affected or between the corporation or corporations and the state, county, municipality or public authority in interest.

There is hereby adopted as the minimum standards for the construction, reconstruction, maintenance and operation of electrical wiring, electrical construction, electrical equipment and apparatus, whether inside or outside, or overhead or underground, and whether owned or operated by private, municipal, or quasi-municipal corporations or associations, or whether mutually or privately owned, the National Electrical Safety Code, Fifth Edition, issued by the department of commerce, bureau of standards of the United States of America. The commission is also hereby authorized and empowered to make, prescribe, enforce, amend and repeal, after hearing upon its own motion or upon complaint, of which hearing all parties in interest shall have due notice, rules and regulations in addition to, but not less than, the standards prescribed by said National Electrical Safety Code. (L. '17, p. 415, Sec. 1; amending L. '13, p. 478, Sec. 29; C. L., Sec. 2940; L. '41, p. 602, Sec. 1; L. '43, p. 476, Sec. 1.)

§31. Time Limit Regulations.—(a) The commission shall have the power to provide the time within which express packages shall be received, gathered, transported and delivered at destination, and the limits within which express packages shall be gathered and distributed and telegraph messages delivered without extra charge.

(b) The commission shall have the power, to provide by proper rules and regulations the time which consignors or persons ordering cars shall load the same, and the time within which consignees or persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight depots, and to enforce the penalties for any failure on the part of the

Step 2. File description of motor vehicle equipment to be used in the operation. (Form to be supplied by Commission.)

Step 3. File insurance certificate as set forth on pages 2 and 3 hereof.

Step 4. Permit will be issued and cab cards mailed you.

Private Carrier, Intrastate, Permit

Step 1. File application (Form to be supplied by Commission) with filing fee of \$25.00 and minimum cash deposit of \$10.00, accompanied by a map, blue print or sketch of the proposed route, or area, to be served.

Step 2. A hearing will be held at a county seat close to your home city and you will be advised as to the time and place thereof. You should appear at the hearing, and must prove by testimony that your proposed operation will not impair the efficient public service of any competing motor vehicle common carrier.

The Commission will mail you a copy of its decision in your application. If approved, then the following steps should be taken before you operate:

Step 3. File description of your motor vehicle equipment. (Form to be supplied by Commission.)

Step 4. File duplicate list of your customers and copies of contracts with said customers, or, if contracts are verbal, indicate this fact on the customer list. (Form for filing lists to be supplied by Commission.)

Step 5. File insurance certificate with waiver of description of equipment, as set forth on pages 2 and 3 hereof.

Step 6. File tariff of your rates and charges. Consult our Rate Department as to procedure, or have a tariff publishing agency file tariff for you.

Step 7. Permit number will be assigned and cab cards mailed you.

Common Carrier Intrastate Certificate

Step 1. Typewritten application must be filed setting forth area or routes to be served and other information. A sample form will be mailed you on request. A map, blue print, or sketch of the proposed route or area to be served must accompany application. At least 12 additional copies of application must be submitted with filing fee of \$35.00. If the Commission finds more copies are needed than those initially filed, you will be advised.

Step 2. A hearing will be held at a county seat close to your home city, and you will be advised as to the time and place thereof. You should appear at the hearing and prove by your testimony and that of your witnesses that there is a public need for your proposed service.

Step 3. The Commission will issue its order and decision, and a copy will be mailed you. If your application is approved, then the following steps should be completed:

Step 4. File description of your motor vehicle equipment. (Form to be supplied by the Commission.)

Step 5. Pay issuance fee for certificate, in amount of \$5.00 when billed for same, and remit \$10.00 cash deposit.

Step 6. File tariff of your rates and charges. Consult our Rate Department as to procedure.

Step 7. File insurance certificate as outlined on pages 2 and 3 hereof.

Step 8. PUC number will be issued; also cab cards.
NOTE: Filing fees on applications are not subject to refund after an application has been set for hearing.

HOW TO KEEP YOUR PERMIT IN GOOD STANDING

1. File tax report promptly and pay tax promptly to avoid penalties.
2. Keep insurance certificate effective at all times on all equipment operated.
3. Keep your customer list up to date if you are a private carrier.
4. Don't operate outside of your authorized territory. File a formal application with the Commission for an extension if you need more territory.
5. Keep C. O. D. funds in a separate account and remit promptly.
6. Don't transfer your permit without formal application to, and approval by, the Commission.
7. Paint permit number plainly, in contrasting color, on your trucks, with your name and address underneath, in arrangement and size as follows: "COLO. P. U. C. A-000" (Lettering and figures not less than 2½" in height and ¾" in width).

lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections for the transmission of messages or conversations, and the public convenience and necessity will be subserved thereby, or shall find that two or more telegraph or telephone corporations have failed to establish joint rates, tolls, or charges for service by or over their said lines, and that joint rates, tolls or charges ought to be established, the commission may by its order require that such connections be made, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points in the same consolidated city and county, city or town, and that conversations be transmitted and messages transferred over such connection under such rules and regulations as the commission may establish and prescribe through lines and joint rates, tolls and charges to be made, and to be used, observed and in force in the future. If such telephone or telegraph corporations do not agree upon the division between them of the joint cost of such physical connection or connections or the division of the joint rates, tolls, or charges established by the commission over such through lines, the commission shall have authority, after further hearing, to establish such division by supplemental order. (L. '13, p. 477, Sec. 27; C. L., Sec. 2938.)

§29. Joint Use of Equipment and Facilities.—Whenever the commission after a hearing had upon its own motion or upon complaint of a public utility affected, shall find that the public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over, or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, wires, tracks, poles, pipes or other equipment or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the commission may by order direct that such use be permitted, and prescribe reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable, to the owner or other users of such conduits, subways, tracks, wires, poles, pipes, or other equipment for such damage as may result therefrom to the property of such owners or other users thereof; provided, that power companies shall not be permitted to use telegraph or telephone conduits or poles for transmission of electric current. (L. '13, p. 478, Sec. 28; C. L., Sec. 2939.)

§30. Power to Make Rules to Promote Public Safety—Grade Crossings—Electrical Wires.—The commission shall have power, after hearing had on its own motion, or upon complaint, to make general or special orders, rules or regulations, or otherwise to require each public utility to maintain and operate its lines, plant, system, equipment, electrical wires, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, subscribers and the public, and to require the performance of any other act which the health or safety of its employees, passengers, customers, subscribers, or the public may demand. The commission shall have power to determine, order and prescribe in accordance with the plans and specifications to be approved by it the just and reasonable manner including the particular point of crossing at which the tracks or other facilities of any public service company may be constructed across the tracks or other facilities of

after a hearing upon its own motion or upon complaint, shall find the additions, extensions, repairs, or improvements to, or change in the existing plant, equipment, apparatus, facilities or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that a new structure or structures should be erected to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing that such additions, extensions, repairs, improvements, or changes be made or such structure or structures be erected in the manner and within the time specified in such order. If the commission orders the erection of a new structure, the selection of the site for such structure shall be subject to the approval of the commission. If any additions, extensions, repairs, improvements, or changes, or any new structure or structures which the commission has ordered to be erected, require joint action of two or more public utilities, the commission shall notify the said public utilities that such additions, repairs, improvements, or changes or new structure or structures have been ordered and that the same shall be made at their joint cost, whereupon the said public utilities shall have such reasonable time as the commission may grant within which to agree upon the portion or division of cost of such additions, repairs, extensions, improvements, or changes or new structure or structures, which each shall bear. If, at the expiration of such time, such public utilities shall fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements, or changes, or new structure or structures, the commission shall have authority, after further hearing, to make an order fixing the proportion of such expense to be borne by each public utility and the manner in which the same shall be paid or secured. (L. '13, p. 476, Sec. 25; C. L., Sec. 2936.)

§27. Prescribe Increased Transportation Facilities.—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any railroad corporation or street railroad corporation, or person operating any such railroad or street railroad does not run a sufficient number of trains or cars, or does not possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same at proper places, or does not run any train or trains, car or cars, upon a reasonable time schedule for the run, the commission shall have the power to make an order directing any such railroad corporation or street railroad corporation to increase the number of its trains or of its cars or its motive power or to change the time of starting its train or car or to change the time schedule for the run of any train or car, or to change the stopping place or places thereof, or to make any other change the commission may determine to be reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation. (L. '13, p. 477, Sec. 26; C. L., Sec. 2937.)

§28. Connection of Non-Competitive Wire Lines—Apportionment of Cost and Rates.—Whenever the commission, after a hearing had upon its own motion or upon complaint shall find that a physical connection can reasonably be made between the lines of two or more non-competitive telegraph or telephone corporations whose

LEGISLATION REGARDING THE COMMISSION

INTRODUCTORY

The Public Utilities Act of 1913 appears as Chapter 137, of the 1935 Colorado Statutes Annotated. In addition, Chapter 29, 1935 Colorado Statutes Annotated contains most of the Act of 1910 which regulated Common Carriers, since only certain sections of the 1910 act were repealed by the 1913 act. The statutes set out include all amendments made by the 1949 legislature.

Regulation of utilities by the State of Colorado dates from the passage of an act in 1885 establishing the office of Railroad Commissioner. (Laws, 1885, page 307, approved April 6, 1885. Mills' Ann. Stat. 1891, Sections 3722-3744.) The powers of the Railroad Commissioner were restricted in that, while he had authority to investigate rates and charges, he could only determine and recommend reasonable and just rates. He was clothed with no power to compel obedience with orders. The office of Railroad Commissioner was abolished in 1893 (Laws, 1893, c. 136, page 405, passed March 30, 1893, over the veto of the Governor) although it had previously become a nullity through lack of appropriations.

The next regulation by the state was through the office of the Railroad Commission, consisting of three members, established by Laws, 1907, c. 208, approved March 22, 1907. The constitutionality of this act was questioned by the carriers and while the litigation was still pending in the courts a new act was passed by the legislature eliminating the contested features of the former act. The new act which was chapter 5 of Laws of 1910, Extraordinary Session, filed with the Secretary of State November 16, 1910, entirely repealed the former act. Causes involving the constitutionality of the act of 1910 were also instituted, in all of which the Supreme Court held the act to be constitutional. 53 Colo. 54, 53 Colo. 100, and 54 Colo. 64.

The Public Utilities Act was passed at the General Assembly of 1913, being chapter 127 of Laws of 1913, and was approved April 12, 1913. The Commission organized and entered on its duties August 12, 1914.

Sections 35, 36 and 37 of the initial Act were referred to the people on petition and defeated at the general election, November 3, 1914, and therefore did not become operative. A new section 35 was enacted by the legislature of 1917 and is contained herein.

An act declaring automobiles, etc., competing with railways, to be public utilities, was enacted by the legislature of 1915 and is contained herein as Section 4 of Ch. 137, 1935 Colorado Statutes Annotated.

THE PUBLIC UTILITIES ACT

(Chapter 127, Laws of 1913)

Chapter 127, 1935 Colorado Statutes Annotated

(Note: The references to "C. L." in the annotations to various Sections refers to the 1921 Compilation of the Colorado Statutes).

ARTICLE 1.

Public Utilities Law—Definition of Terms—Issuance or Guarantee of Securities.

§1. Public utilities law.—This chapter shall be known as the "Public Utilities Law" and shall apply to the public utilities and public services herein described and to the commission herein referred to. (L. '13, p. 464, Sec. 1; C. L., Sec. 2911.)

§2. Definitions.—(a) The term "Commission" when used in this chapter means the public utilities commission of the state of Colorado.

(b) The term "commissioner," when used in this chapter, means one of the members of the commission.

(c) The term "corporation," when used in this chapter, includes a corporation, a company, an association, and a joint stock association.

(d) The term "person," when used in this chapter, includes an individual, a firm, and a co-partnership.

(e) The term "common carrier," when used in this chapter, includes every railroad corporation; street railroad corporation; express corporation, dispatch, sleeping car, dining car, drawing room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading; and every other corporation or person affording a means of transportation by automobile or other vehicle whatever, similar to that ordinarily afforded by railroads or street railways, and in competition therewith, by indiscriminately accepting, discharging and laying down either passengers, freight or express between fixed points or over established routes; and every other car corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, operating for compensation within this state. (L. '15, p. 393, Sec. 1; amending L. '13, p. 464, Sec. 2 (e); C. L., Sec. 2912.)

§3. Public utility defined—Issuance or guarantee of securities.—The term "public utility," when used in this chapter, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, person or municipality operating for the purpose of supplying the public for domestic, mechanical or public uses, and every corporation, or person now or hereafter declared by law to be affected with a public interest, and each thereof, is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this chapter; provided, that nothing in this chapter shall be construed to apply to irrigation systems, the chief or principal business of which is to supply water for the purpose of irrigation.

(a) Securities defined.—The term "securities" as used in this law shall be deemed and construed to include stocks, bonds, notes and other evidences of indebtedness.

(b) Issuance, assumption, or guarantee of securities.—The power of every gas corporation and of every electrical corporation operating as a public utility as defined in this section to issue, assume or guarantee securities, and to create liens on its property situated within

may require a report in which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. The commission shall have the authority to require any public utility to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special reports concerning any matter about which the commission is authorized by this chapter or in any other law to inquire or to keep itself informed, or which it is required to enforce. All reports shall be under oath. (L. '13, p. 474, Sec. 22; C. L., Sec. 2933.)

§24. Commission to Determine Rates After Hearing.—

(a) Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, tolls, fares, rentals, charges or classifications, or any of them demanded, observed, charged or collected by any public utility for any service, or product or commodity, or in connection therewith, including the rates or fares for excursion or commutation tickets, or that the rules, regulations, practices, or contracts, or any of them, affecting such rates, fares, tolls, rentals, charges, or classifications, or any of them, are unjust, unreasonable, discriminatory, or preferential, or in anywise in violation of any provision of law, or that such rates, fares, tolls, rentals, charges, or classifications, are insufficient, the commission shall determine the just, reasonable or sufficient rates, fares, tolls, rentals, charges, rules, regulations, practices, or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

(b) The commission shall have the power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract, or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts, and practices, or any thereof, of any public utility, and to establish new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices, or schedule or schedules, in lieu thereof. (L. '13, p. 475, Sec. 23; C. L., Sec. 2934.)

ARTICLE 4.

Service and Equipment—Regulations in General.

§25. Commission to Prescribe Regulations, Service and Facilities.—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities, or service of any public utility, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine the just, reasonable, safe, proper, adequate, or sufficient rules, regulations, practices, equipment, appliances, facilities, service, or methods to be observed, furnished, constructed, enforced or employed and shall fix the same by its order, rule or regulation. The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility, and upon proper tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules. (L. '13, p. 475, Sec. 24; C. L., Sec. 2935.)

§26. Commission to Prescribe Extensions and Betterments—Joint Improvements.—Whenever the commission,

telegraph or telephone service, from establishing a graduated scale of charges; provided, that a schedule showing such scale of charges shall first be filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this chapter shall be taken to prohibit any such corporation or person from entering into an arrangement for a fixed period for the automatic adjustment of charges for heat, light, water, or power, telegraph or telephone service, in relation to the dividends to be paid to stockholders of such corporation or the profits to be realized by such person; provided, that a schedule showing the scale of charges under such arrangement shall first have been filed with the commission and such schedule and each rate therein approved by it. Nothing in this section shall prevent the commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this chapter. (L. '13, p. 473, Sec. 18; C. L., Sec. 2929.)

§20. Transmission of Business of Other Connecting Telegraph and Telephone Companies.—Every telephone corporation and telegraph corporation operating in this state shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telephone or telegraph corporation with whose line a physical connection may have been made. (L. '13, p. 473, Sec. 19; C. L., Sec. 2930.)

§21. Telephone and Telegraph Rates for Long and Short Distance.—No telephone or telegraph corporation subject to the provisions of this chapter shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation for a through service that the aggregate of the intermediate rates or tolls subject to the provisions of this chapter, but this shall not be construed as authorizing any such telephone or telegraph corporation to charge and receive as great a compensation for a shorter as for a longer distance. Upon application to the commission, a telephone or telegraph corporation or person operating such utility may, in special cases, after investigation, be authorized by the commission to charge less for a longer than a shorter distance service for the transmission of messages or conversations, and the commission may from time to time prescribe the extent to which such telephone or telegraph corporation or person may be relieved from the operation and requirements of this section. (L. '13, p. 473, Sec. 20; C. L., Sec. 2931.)

§22. Street Car and Interurban Rates—Transfers.—No street or interurban railroad corporation shall charge, demand or collect or receive more than five cents for one continuous ride in the same general direction within the corporate limits of any city and county, city or town, except upon a showing before the commission that such greater charge is justified. Every street or interurban railroad corporation shall upon such terms as the commission shall find to be just and reasonable furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city and county, or city or town, not reached by the originating car. (L. '13, p. 474, Sec. 21; C. L., Sec. 2932.)

§23. Utilities to Furnish Information to Commission.—Every public utility shall furnish to the commission at such time and in such form as the commission

this state is a special privilege, hereby subjected to the supervision and control of the commission as hereinafter in this law set forth. Such public utility when authorized by order of the commission and not otherwise may issue, assume or guarantee securities with a maturity date of more than twelve (12) months after the date thereof for the following purposes: For the acquisition of property; for the construction, completion, extension or improvement of its facilities; for the improvement or maintenance of its service; for the discharge or lawful refunding of its obligations; for the reimbursement of moneys actually expended for said purposes from income or from any other moneys in the treasury not secured by or obtained from the issue of securities within five (5) years next prior to the filing of an application with the commission for the required authorization; or for any of the aforesaid purposes or any other lawful purpose authorized by the commission.

(c) Application for issuance of securities.—Order of commission.—Such public utility shall, by written petition filed with the commission and setting forth the pertinent facts involved, make application to the commission for an order authorizing the proposed issue, assumption or guarantee of securities, and the application of the proceeds therefrom to the purpose specified. The commission, shall, after such hearing and upon such notice as the commission may prescribe, enter its written order approving the petition and authorizing the proposed securities transactions, unless the commission shall find: That such transactions are inconsistent with the public interest; or that the purpose or purposes thereof are not permitted or are inconsistent with the provisions of this law.

(d) Exempted securities.—Such public utility may issue or renew, extend or assume liability on securities, other than stocks, with a maturity date of not more than twelve (12) months after the date of issuance of same, and secured or unsecured, without application to or order of the commission, but no such securities so issued shall in whole or in part be refunded by any issue of securities having a maturity of more than twelve (12) months, except on application to and approval of the commission.

(e) Prompt disposal of application for issuance of securities.—All applications for the issuance, assumption or guarantee of securities shall be placed at the head of the commission's docket and shall be disposed of promptly, and within thirty (30) days after petition is filed with the commission unless it is necessary for good cause to continue same for a longer period. Whenever such application is continued beyond thirty (30) days after the time it is filed, the commission shall enter an order making such continuance and stating fully the facts necessitating same.

(f) Securities not obligation of state.—No provision of this law, nor any act or deed done or performed in connection therewith, shall be construed to obligate the state of Colorado to pay or guarantee in any manner whatsoever any security authorized, issued, assumed or guaranteed under the provisions of this law.

(g) Securities void unless approved.—All securities issued, assumed or guaranteed without application to and approval of the commission, except the securities mentioned in paragraph (d) of this section, shall be void.

(h) Identification of securities.—The commission shall provide for a serial number or other device to be placed on the face of any such securities for the proper and easy identification thereof. (L. '13, p. 465, Sec. 3; C. L., Sec. 2913; L. '47, p. 701, Sec. 1.)

§4. Automobiles competing with railways public utility.—Any person, firm, association of persons or corpor-

ation, now or hereafter engaged in transporting passengers, freight or express for hire in this state in any automobile or other vehicle whatever, and operating for the purpose of affording a means of transportation similar to that afforded by railroads or street railways, and in competition therewith by indiscriminately accepting, discharging and laying down either passengers, freight or express, between fixed points or over established routes is hereby declared to be affected with a public interest, and to be a public utility, and subject to the laws of this state now in force and effect or that may hereafter be enacted pertaining to public utilities. (L. '15, p. 392, Sec. 1; C. L., Sec. 2914.)

ARTICLE 2.

Public Utilities Commission.

§5. Creation—Appointment—Term—Salary.—A public utilities commission is hereby created which shall be known as the public utilities commission of the state of Colorado and which shall consist of three members who shall be appointed by the governor, except as in this section otherwise provided. Aaron P. Anderson is hereby designated and named as one commissioner, and shall hold his office until the second Tuesday in January, 1915; Sheridan S. Kendall is hereby designated and named as one commissioner and shall hold his office until the second Tuesday in January, 1917; and immediately upon the taking effect of this chapter the governor shall appoint a commissioner who shall hold his office until the second Tuesday in January, 1919. The term of office for each commissioner thereafter to be so appointed by the governor, by and with the consent of the senate, shall be for the term of six years from and after the expiration of the several terms as herein fixed. No two members of the public utilities commission shall at any time be residents of the same judicial district, and any appointment to fill a vacancy shall be for the unexpired term. The governor shall designate one member of the commission as chairman of the commission. The commissioners herein named shall receive as compensation for their services the sum of three thousand dollars each per annum for the remainder of the respective terms for which they were elected as railroad commissioners. All commissioners appointed after the passage of this chapter shall receive as compensation the sum of four thousand dollars each per annum. The commissioners shall devote their entire time to the duties of their office, to the exclusion of any other employment. (L. '13, p. 465, Sec. 4; C. L., Sec. 2915.)

§5(1). Compensation of members of commission.—Each member of the public utilities commission of the state of Colorado shall receive as compensation for his services the sum of five thousand dollars (\$5,000.00) per annum, payable monthly. (L. '45, p. 536, Sec. 1, effective April 2, 1945.)

§6. Oath—Qualifications.—Each commissioner and each person appointed to a civil executive office by the commission shall, before entering upon the duties of his office, take the constitutional oath of office. Each commissioner shall be a qualified elector of this state, and no person in the employ of or holding any official relation to any corporation or person, which said corporation or person is subject in whole or in part to regulation by the commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of commissioner or be appointed or employed by the commission; provided, that if any such person shall become the owner of such stocks or bonds or become pecuniarily

nuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed, and widows during widowhood and minor children during minority of persons who died while in the service of any such common carrier; provided, the granting or issuing of any free service, ticket, frank, free pass, or other gratuity, or free or reduced-rate transportation shall be subject to such reasonable restrictions as the commission may impose. Any common carrier violating this provision shall be liable to the penalty hereinafter prescribed for a violation of this chapter, and any person, other than the persons excepted in this provision, who uses any such free ticket, free pass or free transportation shall be subject to a like penalty.

(b) Nothing in this article contained shall be construed to prohibit the issue by express corporations of free or reduced-rate transportation for express matter to their officers and employes, or the interchange of free or reduced-rate transportation for express matter between common carriers, their officers and employes, provided, that such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted; nor to prohibit the issue of franks by telegraph or telephone corporations as to their officers and employes; nor to prevent a common carrier from transporting, storing or handling, free or at reduced rates the household goods and personal effects of its employes, of persons entering or leaving its service, and of persons killed or dying while in its service.

(c) Except as in this section otherwise provided, no public utility, shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals, and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; provided, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility. (L. '13, p. 470, Sec. 17; C. L., Sec. 2928; L. '27, p. 249, Sec. 1; L. '41, p. 599, Sec. 1.)

§19. Preferential Advantages Prohibited—Graduated Schedules—Commission to Fix New Rates.—No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any respect, either between localities or as between any class of service. The commission shall have the power to determine any question of fact arising under this section. Nothing in this chapter shall be taken to prohibit a corporation or person engaged in the production, generation, transmission, or furnishing of heat, light, water, or power,

force, and the time when the change or changes will go into effect. The commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge or classification, or in any form of contract or agreement or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge or classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission immediately preceding or following the item. (L. '13, p. 470, Sec. 16; C. L., Sec. 2927.)

§18. Free and reduced transportation prohibited—Exceptions—(a) No public utility subject to the provisions of this chapter shall, directly or indirectly, issue, give or tender any free service, ticket, frank, free pass, or other gratuity, or free or reduced-rate transportation for passengers between points within this state, except to the members of the public utilities commission, the members of the Colorado tax commission, and the agents and employees of such commissions while in the discharge of their public duties and except to the employees of such public utility and their families, its officers, agents, surgeons, physicians, attorneys at law, and the dependent families of such surgeons, physicians, and attorneys at law; to sheriffs, under-sheriffs, chiefs of police, town marshals, and not more than two detectives in active service to be designated by the chief of police in any city or county in this state having a population of 10,000 or over according to the last preceding federal census, while engaged in their official duties; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work, to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge, to necessary caretakers of livestock, poultry, fish and spawn (to be used by the state for the purpose of stocking public streams), milk and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies, to Railway mail service employees, postoffice inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons; provided, that this provision shall not be construed to prohibit the interchange of passes for the officers, agents and employees of common carriers and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; and, provided, further, that this provision shall not be construed to prohibit the privilege of passes or franks, or the exchange thereof with each other, for the officers, agents and employees of telegraph and telephone companies and their families, and the officers, agents, employees and their families of other common carriers subject to the provisions of this chapter; provided, further, that the term "employees" as used in this paragraph shall include furloughed, pensioned and super-an-

interested in such corporation otherwise than voluntarily, he shall within six months divest himself of such ownership or interest; failing to do so, his office or employment shall become vacant. (L. '13, p. 466, Sec. 5; C. L. Sec. 2916.)

§7. Secretary—Salary—Duties—Peace Officer.—The commission shall appoint a secretary, whose salary shall be at the rate of twenty-five hundred dollars per annum and who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants and notices and to perform such other duties as the commission may prescribe, and who shall have all the powers conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county, of this state. (L. '13, p. 466, Sec. 6; C. L. Sec. 2917.)

§8. Assistants and employees.—The commission shall have power, with the approval of the governor, to employ during its pleasure such experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to carry out the provisions of this chapter or to perform the duties and exercise the powers conferred by law upon the commission. The commission shall have power with the approval of the governor to appoint an attorney at law of this state who shall hold office during the pleasure of the commission and who shall exercise the powers and duties conferred upon him by this chapter and by the commission. The commissioners, secretary, clerks, inspectors, accountants, attorneys, and all other employees, except experts temporarily in the employ of the commission, shall have been for four years prior to such appointment or employment, bona fide residents of the state of Colorado, and each and all of these, except only the attorneys and experts shall, while in the employ of the commission, devote their entire time to the service of the commission, to the exclusion of any other employment. (L. '13, p. 466, Sec. 7; C. L. Sec. 2918.)

§9. Office—Sessions—Seal—Supplies.—(a) The office of the commission shall be in the city and county of Denver. The office shall be open every day, legal holidays and Sundays excepted. The commission shall hold its sessions at least once each calendar month in said city and county of Denver, and may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties. It shall be the duty of the board of capitol managers, or its successors in authority, to provide suitable quarters for the commission and its officers at the capitol building.

(b) The commission shall have a seal, bearing the following inscription: "The Public Utilities Commission of the state of Colorado." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

(c) The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, and incur such other expenses as may be actual and necessary, and the same shall be paid for in the same manner as other expenses authorized by this chapter. (L. '13, p. 467, Sec. 8; C. L., Sec. 2919.)

§10. Examiners and their powers—Hearings before examiner or commissioner.—(a) The commission is hereby authorized to designate employees of the commission as examiners, who shall have power to administer oaths, examine witnesses, receive evidence, and conduct hearings, investigations, and other proceedings for the commission.

All provisions of this law applicable to the conduct of hearings before the commission, or any commissioner, shall also apply to hearings conducted by an examiner of the commission.

(b) The evidence in any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be taken by the commissioner or commissioners to whom such investigation, inquiry, or hearing has been assigned by the commission or, in his or their behalf, by an examiner designated for that purpose. Every finding, order, and decision made by the commissioner or commissioners so designated, pursuant to such investigation, inquiry, or hearing, when approved or confirmed by the commission, shall be deemed to be the finding, order, and decision of the commission. (L. '13, p. 467, Sec. 9; C. L., Sec. 2920; L. '45, p. 525, Sec. 1, effective March 14, 1945.)

§11. Compensation and expenses of employees.—(a) All officers, attorney, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by law or by the commission. The commissioners, attorney, secretary and rate expert shall be civil executive officers and their salaries as fixed by law or the commission shall be paid in the same manner as are the salaries of other state officers. The salary or compensation of every other person holding employment under the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the state auditing board.

(b) All expenses incurred by the commission pursuant to the provisions of this chapter, including the actual and necessary traveling expenses and other expenses and disbursements of the commissioners, their officers and employees, incurred while on business of the commission, shall be paid from the funds appropriated for the use of the commission, upon claims therefor to be audited by the state auditing board. (L. '13, p. 468, Sec. 10; C. L., Sec. 2921.)

§12. Free transportation in discharge of duty.—The commissioners and the officers and employees of the commission, shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroad cars and other vehicles of every common carrier subject in whole or in part to control or regulation by the commission, between points within this state and such persons shall not be denied the right to travel upon any railroad, car, or other vehicle of such common carrier, whether such railroad, car, or other vehicle be used for the transportation of passengers or freight, and regardless of its class. (L. '13, p. 468, Sec. 11; C. L., Sec. 2922.)

§13. Annual report to governor.—The commission shall make and submit to the governor on or before the first day of December of each year subsequent to the year nineteen hundred and twelve a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with such other facts, suggestions, and recommendations, as it may deem of value to the people of the state. (L. '13, p. 468, Sec. 12; C. L., Sec. 2923.)

ARTICLE 3.

Regulation of Rates and Charges

§14. Unreasonable charges prohibited—Adequate service required.—(a) All charges made, demanded or received by any public utility, or by any two or more public

utilities, for any rate, fare, product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such rate, fare, product or commodity or service is hereby prohibited and declared unlawful.

(b) Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall in all respects be adequate, efficient, just and reasonable. (L. '13, p. 468, Sec. 13; C. L., Sec. 2924.)

§15. Commission to regulate rates—Correct abuses—Supervise all utilities.—The power and authority is hereby vested in the public utilities commission of the state of Colorado, and it is hereby made its duty to adopt all necessary rates, charges, and regulations to govern and regulate all rates, charges and tariffs of every public utility of this state as herein defined, the power to correct abuses, and prevent unjust discriminations and extortions in the rates, charges and tariffs of such public utilities of this state and to generally supervise and regulate every public utility in this state and to do all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of such power, and to enforce the same by the penalties provided in this chapter, through proper courts having jurisdiction. (L. '13, p. 469, Sec. 14; C. L., Sec. 2925.)

§16. Utilities to file rate schedule.—Under such rules and regulations as the commission may prescribe, every public utility shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected and enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. The rates, tolls, rentals and charges shown on such schedules when filed by a public utility as to which the commission acquires the power by this chapter to fix any rates, tolls, rentals, or charges, shall not within any portion of the territory as to which the commission acquires as to such public utility such power, exceed the rates, tolls, rentals or charges in effect on the tenth day of October, nineteen hundred and twelve; the rates, tolls, rentals and charges shown on such schedules, when filed by any public utility as to any territory as to which the commission does not by this chapter acquire as to such public utility such power, shall not exceed the rates, tolls, rentals and charges in effect at the time the commission acquires as to such territory and as to such public utility the power to fix rates, tolls, rentals or charges. Nothing in this section contained shall prevent the commission from approving or fixing rates, tolls, rentals or charges, from time to time, in excess of or less than those shown by said schedules. (L. '13, p. 469, Sec. 15; C. L., Sec. 2926.)

§17. Changes in rates—Thirty days' notice.—Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, except after thirty days' notice to the commission and the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF)
PRACTICE AND PROCEDURE GOVERNING)
MATTERS BEFORE THE PUBLIC UTIL-) CASE NO. 5022.
ITIES COMMISSION OF THE STATE)
OF COLORADO.)
-----)

December 11, 1950

S T A T E M E N T

By the Commission:

By General Order No. 49, dated May 24, 1937, effective June 1, 1937, and Revised General Order No. 49, effective November 1, 1945, this Commission adopted and promulgated Rules of Practice and Procedure. Other General Orders, Administrative Rulings, and Emergency Orders have been issued from time to time covering other matters of substance and procedure.

It was deemed necessary that the Rules of Practice and Procedure and General Orders governing matters before this Commission be amended in certain respects, and re-compiled for issuance to the public. To that end, this case was instituted by the Commission on its own motion, and on November 24, 1950, a public hearing was held on proposed new Rules of Practice and Procedure.

After consideration of the record made at the hearing, and the suggestions made by counsel and the utilities, and after careful consideration of the Public Utilities Act, the Common Carrier Act, the Motor Vehicle Carrier Acts, and all amendments thereto, as well as the Colorado Rules of Civil Procedure, and pursuant to the provisions thereof, the Commission hereby promulgates, adopts, approves, and issues its revised "Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado," which Rules are attached hereto and by reference made a part of this Order.

O R D E R

IT IS ORDERED:

That revised Rules of Practice and Procedure before The Public Utilities Commission of the State of Colorado be, and the same are hereby promulgated, adopted, approved, and issued, and shall hereafter be designated as "Rules of Practice and Procedure Before The Public Utilities Commission of the State of Colorado."

It is Further Ordered, that all General Orders and all Revisions thereof previously issued by this Commission, as well as all so-called "Administrative Rulings," and "Emergency Orders," shall be, and hereby are declared to be revoked and cancelled and shall henceforth be void and of no effect, all matters previously covered thereby now being governed by these Rules, or the Substantive Rules applicable to the various carriers and utilities.

It is Further Ordered, that this order shall become effective December 31, 1950, and that these Rules of Practice and Procedure shall become effective on January 1, 1951.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph C. Crowley
Commissioners.

Dated at Denver, Colorado,
this 11th day of December, 1950.

ea

(Decision No. 35628)

**RULES OF PRACTICE AND
PROCEDURE
BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO**

(With Public Utilities Act, Common Carrier
Act, and Guide to Motor Carriers)

Effective January 1, 1951



By Order of

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

**RALPH C. HORTON,
JOHN R. BARRY,
JOSEPH W. HAWLEY,
*Commissioners.***

Attest:

**J. J. Mahoney,
*Secretary***

**Paul M. Hupp,
*Attorney***

Original

(Decision No. 35629)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES AND }
REGULATIONS PERTAINING TO RAIL- }
ROADS OPERATING IN THE STATE }
OF COLORADO. }

CASE NO. 5023

November 10, 1950

STATEMENT

By the Commission:

In the past, Railroads operating in Colorado have been subject to various General Orders and other orders promulgated by the Commission, but no separate substantive rules governing Railroads have ever been compiled and issued. In connection with the recompilation of the Commission's Rules and Regulations of Practice and Procedure and the abolition of all General Orders, it is now necessary and desirable that certain minor amendments and additions be made to the General Orders relating to Railroads and that said Orders be separately compiled. To that end, this case is now being instituted in order to afford an opportunity to interested Railroads and Associations to make suggestions and objections to the proposed new set of Railroad Rules, a copy of which is attached to this order.

ORDER


IT IS THEREFORE ORDERED:

1. That an investigation be made by the Commission on its own motion into the matter of the Rules and Regulations governing Railroads operating in the State of Colorado.
2. That the Rules and Regulations attached to this order are substantially the Rules which the Commission proposes to adopt.

3. That a public hearing shall be held in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on Friday, November 24, 1950, beginning at ten o'clock A.M., at which time all persons desiring to suggest changes, additions or deletions in the proposed Rules may be heard.

4. That copies of all such changes, deletions or additions be given to the Secretary of the Commission at least five days prior to the hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Hobart

John R. Barry

Joseph W. Newley
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950,
by

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

RULES & REGULATIONS PERTAINING TO RAILROADS OPERATING
IN THE STATE OF COLORADO

RULE NO. 1
(General Order No. 6)

Seating Accommodations to be Provided in Pullmans When
All Seating Space in Coaches is Occupied.

It shall be the duty of each and every railroad operating in the State of Colorado, whether in interstate or intrastate service, to provide seating room for each and every passenger riding on passenger trains.

In the event seating room is not available in a coach for a passenger provided with a coach ticket entitling the owner thereof to transportation between points on the railroad, the conductor or auditor in charge of said train shall immediately provide seating room for said coach passenger in a Pullman car, either tourist or standard, in the event that said train is equipped with Pullman service, without additional expense to said passenger.

RULE NO. 2
(General Order No. 12 and Part of General Order No. 4)

Use of Bulletin Boards in Railroad Passenger Stations;
Filing of Employees Time Table with Commission.

It shall be the duty of every railroad company operating a railroad within the State of Colorado to maintain a bulletin board in a conspicuous place at each of its passenger stations in the State of Colorado, upon which shall be bulletined the time that each train upon which

passengers are carried is due to arrive and depart under its published schedule.

It shall be the duty of each railroad company, at each station where telegraphic, telephonic or other means of communication is available for the receiving of train orders from the train dispatcher, to post on the bulletin board, at least one hour before the time that each passenger train is due to arrive at the station, or earlier if its train dispatcher has received such information, whether said passenger train is on time, or not, and, if behind schedule time, to state, as nearly as may be approximated, the time of its arrival, and to restate on said bulletin board the approximate time of arrival of such train every 30 minutes until its arrival at said station.

It shall also be the duty of every railroad operating between points in this State to file with the Commission one copy of its employes time table insofar as the same affects the movement of trains within this State.

RULE NO. 3
(General Order No. 13)

Installation & Maintenance of Safety Devices at Railway
& Highway Crossings.

All safety devices, whether electrically operated or otherwise, and of whatsoever nature, which have heretofore been installed at railway and highway crossings in the State of Colorado, shall be efficiently maintained and kept in good operating condition by the railroad or railroads having heretofore installed said safety devices at said railway and highway crossings.

All steam and electric railroads shall remove from their rights of way all obstructions of every kind, except buildings, which in any way

interfere with the view of approaching trains at railway and highway crossings in the State of Colorado.

RULE NO. 4
(General Order No. 14.)

Stopping Cars or Trains of Street Railroads Before
Crossing Railroad Tracks at Grade.

Any corporation, company, or person operating a street railroad shall, before crossing with its cars or trains the tracks of any other street railroad company at grade, cause such cars or trains to stop at the crossing, and ascertain by signal or otherwise that a way is clear before proceeding.

Any corporation, company, or person shall, before crossing with its cars or trains the tracks of any railroad at grade, other than a street railroad, cause its cars or trains to stop at the crossing, and such cars or trains shall not proceed to move upon or over the crossing until the conductor or motorman has stepped off his car, viewed the tracks of the crossing road in both directions, and knows that the way is clear before proceeding.

The term "street railroad" as used in this rule, includes every railroad operated by electrical power for public use in the transportation of passengers or property for compensation, upon, along, above, or below, any street, avenue, road, highway, bridge, or public place in any city or incorporated town.

The term "railroad," as used in this rule, has the same meaning as that given it in the Act creating the Public Utilities Commission of the State of Colorado, and includes every railroad other than a street railroad.

RULE NO. 5.
(General Order No. 31)

Notification of Accidents.

When any wreck, or any collision of trains, or any collision of trains with vehicles or pedestrians, resulting in loss of life or injury to persons, occurs upon the line of any common carrier in Colorado, either steam or electric, the superior officer, agent or employe of the carrier on the ground at the time of the accident shall immediately notify the Public Utilities Commission of the State of Colorado, Denver, Colorado, by telegram, the details of such accident, stating immediate location and the nature of the accident, and the number of persons killed or injured.

RULE NO. 6.
(General Order Nos. 15 & 34)

Abandonment or Curtailment of Any Facility or Service.

Before any railroad corporation shall remove or abandon any depot or station facility, or shall withdraw or abandon any agency at any station, or shall discontinue any regular passenger train, or shall curtail the service existing in its passenger train facilities; or before any electric street railroad, or interurban, or steam railroad shall discontinue its service or abandon its line of railroad, or any part thereof, or remove its tracks, or any part thereof; said railroad shall file a petition in writing with the Commission of such matter contemplated at least 30 days before the effective date thereby proposed, in which the attention of the Commission shall be called to any change or changes, and stating the reasons therefore.

In addition to the filing of such petition, any railroad making such change or changes shall also post in a conspicuous place in its depot building, if the depot is to be changed, or the agency thereof abandoned, and in each of its depots, if the passenger train service or other service is proposed to be discontinued or curtailed or if the tracks are to be abandoned or removed, along the line of railroad affected, said notice to be typewritten or printed using suitable heading indicating the contents of said notice and to be posted in a prominent place in the said depot or depots or upon the bulletin board thereof at least 30 days before the proposed effective date of such change or changes. The notice shall also contain a paragraph stating that anyone protesting the action proposed under said notice shall file a written complaint with the Public Utilities Commission of the State of Colorado, Denver, Colorado, at least ten days before the proposed effective date and shall also send a copy of said written complaint to the railroad concerned.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KERDY WRECKING COMPANY, INC.,)
501 UMATILLA STREET, DENVER,)
COLORADO.)
-----)

CASE NO. 53914-INS.
(Permit No. C-23781)

November 10, 1950

S T A T E M E N T

By the Commission:

On October 24, 1950, in Case No. 53914-Ins., the Commission entered an order revoking Permit No. C-23781, for failure to keep on file effective insurance.

Insurance was in effect but through neglect of the agent was not filed in time to stop revocation order. Proper insurance is now on file and revocation order should be set aside.

F I N D I N G S

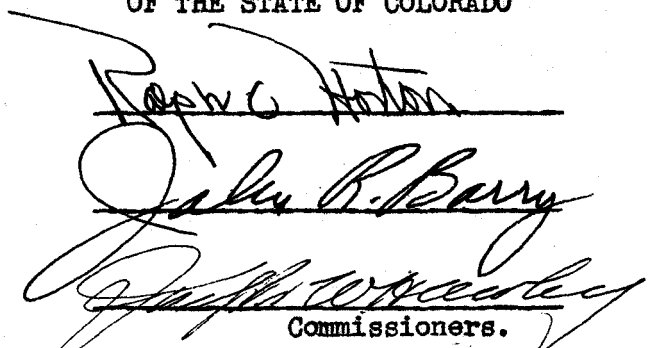
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53914-Ins., should be cancelled and set aside, and said Permit No. C-23781 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53914-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-23781 restored to its former status as of October 24, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
J. G. TOWNS, 924 NORTH SEVENTH)	CASE NO. 53134-INS.
STREET, GRAND JUNCTION, COLORADO.)	(Permit No. C-1351)
-----)	

November 10, 1950

S T A T E M E N T

By the Commission:

On August 14, 1950, in Case No. 53134-Ins., the Commission entered an order revoking Permit No. C-1351 for failure to keep on file effective insurance.

Effective insurance was filed on August 19th, within the 5-day period of grace allowed in the order, but through an oversight was not posted. Proper filing has been made and the insurance is in order without lapse.

F I N D I N G S

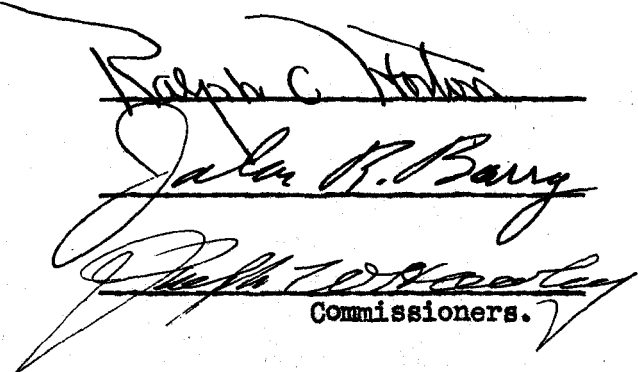
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53134-Ins., should be cancelled and set aside, and said Permit No. C-1351 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53134-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-1351 restored to its former status as of August 14, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BRIDGEPORT EQUIPMENT COMPANY,)
INC., BRIDGEPORT, NEBRASKA)
-----)

CASE NO. 53860-INS.
(Permit No. C-19917)

November 10, 1950

S T A T E M E N T

By the Commission:

On October 24, 1950, in Case No. 53860-Ins., the Commission entered an order revoking Permit No. C-19917, for failure to keep on file effective insurance.

Insurance was in effect continuously, but through a misunderstanding of the insurance agent was not filed. Proper filing has now been made, without lapse of coverage, and order or revocation should be set aside.

F I N D I N G S

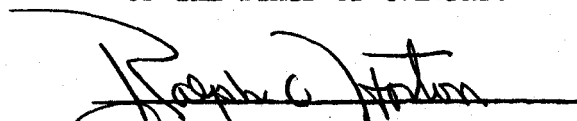
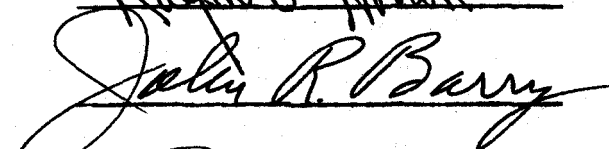
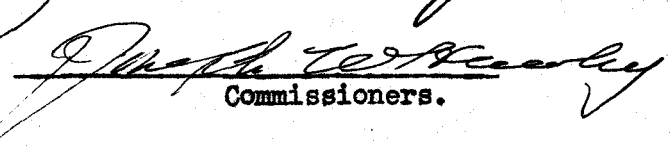
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53860-Ins., should be cancelled and set aside, and said Permit No. C-19917 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53860-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-19917 restored to its former status as of October 24, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BRANSON BROTHERS, HOLLY,) PUC NO. 1037
COLORADO)
-----)

November 10, 1950

S T A T E M E N T

By the Commission:

On November 9, 1950, in Case No. 54393-AR, the Commission entered an order cancelling the above numbered certificate for failure of the respondent to file an annual report for the year of 1949.

The Commission is now in receipt of a communication requesting reinstatement of said certificate. The records of the Commission show that the annual report for the year 1949 was filed on November 9, 1950.

F I N D I N G S

THE COMMISSION FINDS:

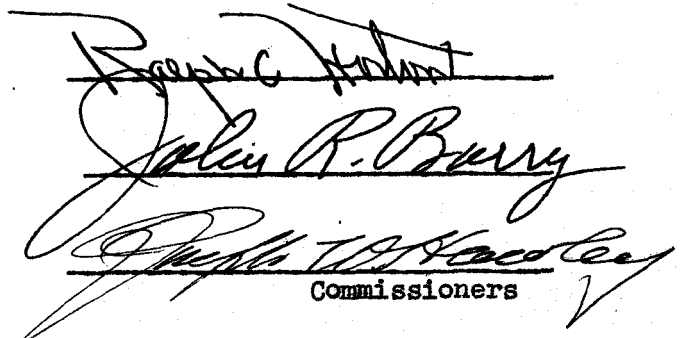
That the request should be granted.

O R D E R

IT IS ORDERED:

That Certificate PUC No. 1037 be, and the same hereby is, reinstated as of November 9, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 10th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WESLEY WEIDE, 124 EAST ESPANOLA,) PUC NO. 421, 421-I
COLORADO SPRINGS, COLORADO)
-----)

November 10, 1950

S T A T E M E N T

By the Commission:

On November 9, 1950, in Case No. 54372-AR, the Commission entered an order cancelling the above numbered certificate for failure of the respondent to file an annual report for the year of 1949.

The Commission is now in receipt of a communication requesting reinstatement of said certificate. The records of the Commission show that the annual report for the year 1949 was filed on November 9, 1950.

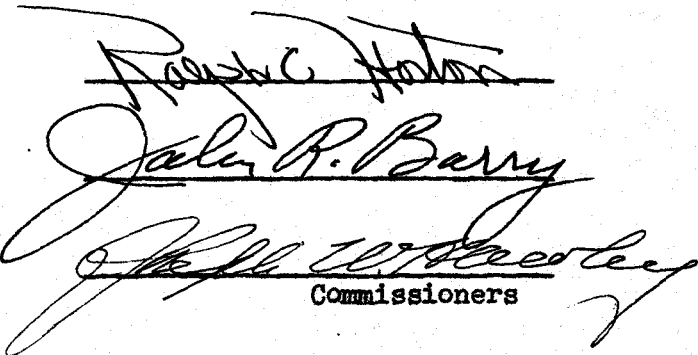
After careful consideration of the record and the request, the Commission is of the opinion and finds that the request should be granted.

O R D E R

IT IS ORDERED:

That Certificate PUC No. 421, 421-I, be, and the same hereby is, reinstated as of November 9, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1950.

eh

Original

(Decision No. 35636)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE CLOSING BY)
CHICAGO, ROCK ISLAND AND PACIFIC)
RAILROAD COMPANY OF ITS MATHESON)
STATION IN ELBERT COUNTY, COLO-)
RADO, AS A CUSTODIAN STATION.)
-----)

APPLICATION NO. 10793

November 10, 1950

S T A T E M E N T

By the Commission:

On October 3, 1950, the Chicago, Rock Island and Pacific Railroad Company, by its attorneys, Hodges, Vidal and Goree, filed a petition under this Commission's General Order No. 34 requesting that it be allowed to close its custodian station in the Town of Matheson, Elbert County, Colorado, effective November 15, 1950.

Applicant states in its petition that for a number of years past it has maintained on its railroad line a station known as Matheson in Elbert County, Colorado, located approximately 6.3 miles east from Simla, Colorado. On the 15th day of December, 1937, upon authority issued by the Colorado Public Utilities Commission, the station at Matheson became a non-agency station operated by a custodian and has been so operated from that day forward.

Applicant further states in its petition that the business handled by the Rock Island at its Matheson station has been steadily declining in recent years; that the Town of Matheson has a population of approximately 150 persons and that the business at said station consists mostly of carload shipments; that there is a very negligible amount of less-than carload shipments handled at Matheson; that the business is largely seasonal and there are periods during the year when practically no business moves either in or out of said station; that the cost of operating and maintaining said station as a custodian station is not justified by the business there transacted or by the revenues received therefrom; that the continued maintenance of the custodian at said station will be unnecessary, unreasonable and wasteful; that the present and

future public convenience and necessity do not and will not require the continuation of a custodian at said Matheson station.

If authority to close this station is granted applicant proposes to handle the business of the Matheson station at its Simla station.

Applicant has stated in writing to the Commission that it has posted the notice to the general public in compliance with General Order No. 34 and the Commission has sent copies of the Rock Island petition to interested parties. No replies have been received by the Commission from anyone protesting the closing of said station. The files of the Commission do not indicate that there would be anyone, other than those notified, who would desire to be heard in opposition to the granting of the authority sought, therefore the Commission determined to hear, and has heard, said matter forthwith without further notice upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:


That the authority sought in the instant application should be granted.

ORDER

THE COMMISSION ORDERS:

- (1) That the above Statement and Findings be made a part hereof, by reference;
- (2) That the Chicago, Rock Island & Pacific Railroad Company be, and it hereby is, authorized to close its custodian station in the Town of Matheson, Elbert County, Colorado, 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 of the State of Colorado;
- (3) That reference shall be made to the decision and order of the Commission in any schedules showing the closing of said station;
- (4) That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Francis C. Holton
Julius R. Barry
Robert C. [illegible]
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1950.
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE CLOSING BY)
CHICAGO, ROCK ISLAND AND PACIFIC)
RAILROAD COMPANY OF ITS BETHUNE)
STATION IN KIT CARSON COUNTY,)
COLORADO, AS A CUSTODIAN STATION.)
-----)

APPLICATION NO. 10794.

November 10, 1950

S T A T E M E N T

By the Commission:

On October 3, 1950, Chicago, Rock Island & Pacific Railroad Company, by its attorneys, Hodges, Vidal & Goree, filed a petition under this Commission's General Order No. 34, requesting it to be allowed to close its custodian station in the Town of Bethune, Kit Carson County, Colorado, effective November 15, 1950.

Applicant states in its petition that for a number of years past it has maintained on its railroad line a station known as Bethune, Kit Carson County, Colorado, located approximately seven miles west of Burlington, Colorado.

The petition further states that for a number of years past the Bethune station has been operated as a non-agency station by a custodian, and that the business handled in this station has been steadily declining in recent years; that the Town of Bethune has a population of approximately 80 persons and that the business at said station consists mostly of carload shipments; that there is a very negligible amount of less-than-carload freight handled at Bethune; that the business at said station is largely seasonal, and there are periods during the year when practically no business moves either in or out of said station; that the cost of operating and maintaining said Bethune station as a custodian station is not justified by the business there transacted or by the revenue received therefrom; that the continued

maintenance of the custodian at said Bethune station will be unnecessary, unreasonable and wasteful; that the present and future public convenience and necessity do not, and will not, require the continuation of a custodian at said Bethune station.

If authority to close this station is granted, applicant proposes to handle the business of said Bethune station at its Burlington station.

Applicant has stated in writing to the Commission that it has posted the notice to the general public in compliance with General Order No. 34, and the Commission has sent copies of the Rock Island petition to interested parties. No replies have been received by the Commission from anyone protesting the closing of said station. The files of the Commission do not indicate that there would be anyone, other than those notified, who would desire to be heard in opposition to the granting of the authority sought, therefore, the Commission determined to hear, and has heard, said matter forthwith, without further notice upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:


(1) That the above Statement and Findings be made a part hereof, by reference.

(2) That Chicago, Rock Island & Pacific Railroad Company be, and it hereby is, authorized to close its custodian station in the Town of Bethune, Kit Carson County, Colorado, 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 of the State of Colorado.

(3) That reference shall be made to the decision and order of the Commission in any schedules showing the closing of said station.

(4) That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



George C. Watson
John R. Barry
Joseph C. Barclay
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1950.

ea

(Decision No. 35638)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOME LIGHT AND POWER COMPANY (BY)
NAME CHANGED FROM "THE HOME GAS AND)
ELECTRIC COMPANY"), GREELEY, COLORADO,) APPLICATION NO. 10879-Securities.
FOR APPROVAL OF THE ISSUANCE OF)
\$1,500,000 PRINCIPAL AMOUNT OF FIRST)
MORTGAGE BONDS, 3% SERIES DUE 1975.)

November 16, 1950

STATEMENT

By the Commission:

Upon consideration of the application filed November 15, 1950
by the Home Light and Power Company, a Corporation, in the above-styled
matter:

ORDER

THE COMMISSION ORDERS:

That a public hearing be held, commencing on Monday, November
27, 1950, at 10:00 o'clock A. M., 330 State Office Building, Denver,
Colorado, respecting the matters involved and the issues presented
in this proceeding. Any interested municipality or any representative
of interested consumers or security holders of applicant corporation,
and any other person whose participation herein is in the public in-
terest, may intervene in said proceedings. Intervention petitions
should be filed with the Commission on or before November 22, 1950,
and should set forth the grounds of the proposed intervention, and the
position and interest of the petitioners in the proceeding, and must
be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 16th day of November, 1950

Raymond C. Holman
John R. Barry
Robert C. Speckley
Commissioners

jh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN J. MC DONALD)
2901 SO SANTA FE DRIVE)
ENGLEWOOD, COLORADO) PERMIT NO. C-24843
)
)
)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
John J. McDonald.....

requesting that Permit No. C-24843.....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-24843....., heretofore issued to.....
John J. McDonald.....be,

and the same is hereby, declared cancelled effective October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HOMER E. BUSBY DBA)
BRIKCRETE MANUFACTURING CO.,)
3202 N. STONE AVE.,) PERMIT NO. C-25233
COLORADO SPRINGS, COLORADO)
-----)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from -----
Homer E. Busby

requesting that Permit No. C-25233 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-25233, heretofore issued to -----
Homer E. Busby
----- be,

and the same is hereby, declared cancelled effective November 3, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Richard C. Horton

John O. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 195⁰

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK R. DUNCAN)
RT. 3, BOX 9,)
FT. COLLINS, COLORADO) PERMIT NO. C-22291
)
)
)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Jack R. Duncan

requesting that Permit No. C-22291 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-22291, heretofore issued to.....
Jack R. Duncan be,

and the same is hereby, declared cancelled effective November 3, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. [Signature]
Ralph C. [Signature]
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNON J. MARKLE)
HAYDEN, COLORADO)
) PERMIT NO. C-23452
)
)
)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Vernon J. Markle.....
requesting that Permit No. C-23452.....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-23452....., heretofore issued to.....
Vernon J. Markle.....be,
and the same is hereby, declared cancelled effective October 13, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. [Signature]

John L. Barry.

Joseph W. Hawley.

Commissioners

Dated at Denver, Colorado,
this 24th day of November....., 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
KENNETH R. MAIN)
BOX 613)
MEEKER, COLORADO) PERMIT NO. C-19680
)
)
)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Kenneth R. Main

requesting that Permit No. C-19680 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-19680, heretofore issued to
Kenneth R. Main
-----be,
and the same is hereby, declared cancelled effective October 1, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John D. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKE PAVICH)
LAKE CITY, COLORADO)
) PERMIT NO. C-19381
)
)
)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Mike Pavich

requesting that Permit No. C-19381 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-19381, heretofore issued to

Mike Pavich

be,

and the same is hereby, declared cancelled effective November 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John H. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. E. WOODEN)
PAONIA, COLORADO)
) PERMIT NO. C-23737
)
)

November 24, 1950

S T A T E M E N T

By the Commission:

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

J. E. Wooden

requesting that Permit No. C-23737 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-23737, heretofore issued to _____
_____ J. E. Wooden _____ be.

and the same is hereby, declared cancelled effective September 29, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Davis.
Joseph W. Hawley.

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 195⁰

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MARINUS MADSEN)
1000 NORTH SEVENTH ST.)
GRAND JUNCTION, COLORADO) PERMIT NO. C-6504
)
)
-----)

November 24, 1950

S T A T E M E N T

By the Commission:

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

requesting that Permit No. C-6504.....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-6504....., heretofore issued to.....
Marinus Madsen.....be,

and the same is hereby, declared cancelled effective October 14, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John C. [Signature]
Joseph W. [Signature]

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER R. ELLIOTT)
102 NORTH CURTIS ST.)
BRUSH, COLORADO) PERMIT NO. C-26161
)
)
)
-----)

November 24, 1950

S T A T E M E N T

By the Commission:

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

Walter R. Elliott

requesting that Permit No. C-26161 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-26161, heretofore issued to-----

Walter R. Elliott-----be,

and the same is hereby, declared cancelled effective November 3, 1950.

~~THE PUBLIC UTILITIES COMMISSION~~
~~OF THE STATE OF COLORADO~~

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HERBERT A. DUNN)
855 URBAN, RT. 4,)
GOLDEN, COLORADO) PERMIT NO. C-25621
c/o RICHARD BRIGHT)
)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Herbert A. Dunn

requesting that Permit No. C-25621 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-25621, heretofore issued to
Herbert A. Dunn be,

and the same is hereby, declared cancelled effective November 3, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Richard C. Norton
John R. Berg
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL L. KRAUSE)
RT.#2)
BRIGHTON, COLORADO) PERMIT NO. C-25007
)
)
)
-----)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Carl L. Krause

requesting that Permit No. C-25007 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-25007, heretofore issued to-----
Carl L. Krause-----be,

and the same is hereby, declared cancelled effective October 2, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TULLEY N. NELSON)
EMPIRE, COLORADO)
) PERMIT NO. C-6036
)
)
)

November 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Tulley N. Nelson

requesting that Permit No. C-6036.....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-6036....., heretofore issued to.....
Tulley N. Nelson.....be,

and the same is hereby, declared cancelled effective October 21, 1950

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD SPURLING)
2242 SO. OGDEN ST.,)
DENVER, COLORADO)
-----)

PERMIT NO. B-3741

November 21, 1950

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-3741 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 Harold Spurling be, and he is hereby, authorized to suspend his operations under Permit No. B-3741 until May 17, 1951.

That unless said Harold Spurling 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 21st day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM HARTMAN DBA)
HARTMAN TRUCK LINE)
WALDEN, COLORADO)
-----)

PUC Nos. 1172 & 1172-I

November 22, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named Certificate-holder, requesting that his PUC Nos. 1172 & 1172-I be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

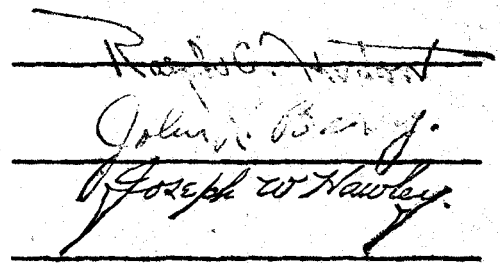
O R D E R

THE COMMISSION ORDERS:

That William Hartman be, and he is hereby, authorized to suspend his operations under PUC Nos. 1172 & 1172-I until May 20, 1951.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 22nd day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER R. SILVERS)
1104 RAILROAD AVE.)
ROCKY FORD, COLORADO)
-----)

PERMIT NO. C-20398

November 27, 1950

S T A T E M E N T

By the Commission:

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

Walter R. Silvers

requesting that Permit No. C-20398..... 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-20398....., heretofore issued to.....

Walter R. Silvers..... be,

and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE W. KOLER)
BOX 213)
OAK CREEK, COLORADO) PERMIT NO. C-23931
)
)
-----)

November 27, 1950

S T A T E M E N T

By the Commission:

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

George W. Koler

requesting that Permit No. C-23931..... 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-23931....., heretofore issued to.....

George W. Koler..... be,

and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hart

John R. Boring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 195 0

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ORVILLE A. MACK)
216 MORGAN AVE.,)
FLORENCE, COLORADO) PERMIT NO. C-23962
)
)
)
-----)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Orville A. Mack

requesting that Permit No. C-23962.....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-23962....., heretofore issued to.....
Orville A. Mack.....be,

and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN BONFORTE DBA)
BONFORTE CONSTRUCTION CO.)
P. O. BOX 206) PERMIT NO. C-24776
COLORADO SPRINGS, COLORADO)
-----)

November 27, 1950

S T A T E M E N T

By the Commission:

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

requesting that Permit No. C-24776 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-24776, heretofore issued to.....
John Bonforte.....be,

and the same is hereby, declared cancelled effective October 14, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ARCHIE RUSSELL SMITH)
2518 WEST 26th)
PUEBLO, COLORADO) PERMIT NO. C-23829
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Archie Russell Smith

requesting that Permit No. C-23829.....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-23829....., heretofore issued to.....
Archie Russell Smith.....be,

and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

John R. B. B. B.

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SCOTTY ELRICK)
FLAGLER, COLORADO)
) PERMIT NO. C-22724
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

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

requesting that Permit No. C-22724.....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-22724....., heretofore issued to.....
Scotty Elrick.....be,

and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OTERO PETROLEUM SALES CO.)
ROCKY FORD, COLORADO)
)
)
)

PERMIT NO. C-2053

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Otero Petroleum Sales Co.

requesting that Permit No. C-2053 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-2053, heretofore issued to
Otero Petroleum Sales Co. be,

and the same is hereby, declared cancelled effective October 1, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD C. SUTTON)
LOVELAND, COLORADO)
) PERMIT NO. C-561
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Harold C. Sutton-----
requesting that Permit No. C-561-----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-561-----, heretofore issued to-----
Harold C. Sutton-----be,
and the same is hereby, declared cancelled effective October 10, 1950

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DONALD B. GOODMAN)
BOX 14)
FOUNTAIN, COLORADO) PERMIT NO. C-19875
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Donald B. Goodman

requesting that Permit No. C-19875 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-19875, heretofore issued to
Donald B. Goodman be,

and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

Ralph C. Norton
John S. [unclear]
Commissioners
[Signature]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. S. CRAWFORD)
1901 E. ROUTT)
PUEBLO, COLORADO) PERMIT NO. C-24284
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
G. S. Crawford

requesting that Permit No. C-24284 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-24284, heretofore issued to.....
G. S. Crawford.....be,
and the same is hereby, declared cancelled effective October 13, 1950.

THE PUBLIC UTILITIES COMMISSION
~~OF THE STATE OF COLORADO~~

Ralph C. Heston

John E. Benson

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY CLARK)
LUTHERVILLE, ARKANSAS)
) PERMIT NO. C-25665
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Ray Clark

requesting that Permit No. C-25665 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-25665, heretofore issued to
Ray Clark
-----be,
and the same is hereby, declared cancelled effective October 31, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray C. Martin

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

November 27, 1950

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 October 31, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Kenton

John F. B...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. E. SMITH DBA)
SMITH'S FEED STORE)
BOX 276) PERMIT NO. C-9214
ALAMOSA, COLORADO)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
A. E. Smith

requesting that Permit No. C-9214 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-9214, heretofore issued to.....
A. E. Smith.....be,

and the same is hereby, declared cancelled effective October 31, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Went
John L. Berry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
S. A. PRICE)
COLLBRAN, COLORADO)
)
)
)

PERMIT NO. C-8669

November 27, 1950

S T A T E M E N T

By the Commission:

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

S. A. Price

requesting that Permit No. C-8669 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-8669, heretofore issued to.....

S. A. Price

be,

and the same is hereby, declared cancelled effective October 28, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

John L. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 195⁰

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BENHAM CONSTRUCTION CO.)
1015 EAST LINCOLNWAY)
CHEYENNE, WYOMING) PERMIT NO. C-23805
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Benham Construction Co.

requesting that Permit No. C-23805.....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-23805....., heretofore issued to.....
Benham Construction Co.be,

and the same is hereby, declared cancelled effective November 3, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John L. Boring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PHILO MAUPIN)
NUCLA, COLORADO)
) PERMIT NO. C-12860
)
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

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

requesting that Permit No. C-12860.....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-12860....., heretofore issued to.....
Philo Maupin.....be,

and the same is hereby, declared cancelled effective November 3, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Anton
John A. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TONY J. STRAZISCAR)
FLORENCE, COLORADO)
) PERMIT NO. C-12391
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Tony J. Straziscar

requesting that Permit No. C-12391..... 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-12391....., heretofore issued to.....
Tony J. Straziscar.....be,

and the same is hereby, declared cancelled effective November 3, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John F. Bering

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MYRON A. STAPLETON DBA)
MYRON'S AUTO PARTS)
125 E. FIRST) PERMIT NO. C-22090
SALIDA, COLORADO)
-----)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Myron A. Stapleton

requesting that Permit No. C-22090.....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-22090....., heretofore issued to.....
Myron A. Stapleton.....be,

and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ERWIN STAHLERCKER)
ROCKY FORD, COLORADO)
) PERMIT NO. C-26155
)
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from -----
Erwin Stahlacker

requesting that Permit No. C-26155 ----- 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-26155 -----, heretofore issued to -----
Erwin Stahlacker ----- be,
and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. M. LOWE)
RT. 11)
GRAND JUNCTION, COLORADO) PERMIT NO. C-25340
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
H. M. Lowe

requesting that Permit No. C-25340.....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-25340....., heretofore issued to.....
H. M. Lowe.....be,

and the same is hereby, declared cancelled effective October 20, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John J. Bering

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE R. EDWARDS)
145 SOUTH HOLLAND ST.)
DENVER 15, COLORADO) PERMIT NO. C-1977
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Clarence R. Edwards

requesting that Permit No. C-1977 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-1977 heretofore issued to.....
Clarence R. Edwards be,
and the same is hereby, declared cancelled effective March 30, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 27th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE R. EDWARDS)
145 SOUTH HOLLAND ST.)
DENVER 15, COLORADO) PERMIT NO. A-2300
)
)
)

November 27, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Clarence R. Edwards

requesting that Permit No. A-2300 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. A-2300, heretofore issued to
Clarence R. Edwards be,
and the same is hereby, declared cancelled effective March 30, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John C. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PUEBLO BUS COMPANY, PUEBLO,) PUC NO. 1698
COLORADO.)

November 24, 1950

Appearances: T. A. White, Esq., Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On August 10, 1950, by Decision No. 35177, the Commission authorized Pueblo Bus Company, Pueblo, Colorado, to suspend operations under PUC No. 1698 until October 15, 1950.

The Commission is now in receipt of a communication from T. A. White, Attorney for said certificate-holder, as follows:

"The Pueblo Bus Company has recently had an inquiry from the Highway Transport Service of the Fifth Army Headquarters concerning shift worker operations from Pueblo to the Pueblo Ordnance Depot, and in view of this development and the desire of the company to be in a position to resume operations if arrangements can be made with the Army, Pueblo Bus Company respectfully requests an additional six months' suspension from October 15, 1950, of the operations under said certificate."

The files and records 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 additional suspension of operations should be authorized, as requested.

O R D E R

THE COMMISSION ORDERS:

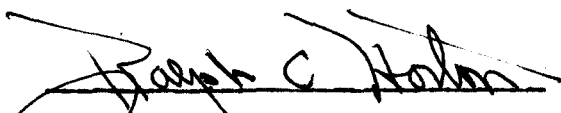


That Pueblo Bus Company should be, and it hereby is, allowed

to further suspend passenger service under PUC No. 1698 for a period of six months from October 15, 1950.

That unless said certificate-holder shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall stand revoked, without right to reinstate.

This order shall become effective, nunc pro tunc, as of the 14th day of October, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1950.

mm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. M. WRIGHT, WIGGINS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

APPLICATION NO. 10487-PP
SUPPLEMENTAL ORDER

November 24, 1950

Appearances: E. Ord Wells, Esq., Fort Morgan,
Colorado, for applicant;
T. A. Stockton, Esq., Denver, Colo-
rado, and
Marion F. Jones, Esq., Denver,
Colorado, for Gilbert Graff.

S T A T E M E N T

By the Commission:

By Decision No. 35413, of date October 2, 1950, applicant
herein was granted a Class "B" permit to operate as a private carrier
by motor vehicle for hire, for the transportation of:

coal from Denver and northern Colorado
coal fields to Wiggins, Colorado; farm
products, farm machinery, and building
materials, from point to point within a
radius of twenty miles of Wiggins, Colo-
rado.

It appears that through stenographic error in the office of
the Commission, "T. A. White, Esq.," was shown as appearing for protestant,
Gilbert Graff, whereas, "T. A. Stockton, Jr., Esq.," was protestant's
attorney and appeared in his behalf at the hearing.

T. A. Stockton was not served a copy of said Decision No.
35413, and on November 16, 1950, filed "Petition of Protestant Gilbert
Graff for Rehearing and Brief in Support thereof."

F I N D I N G S

THE COMMISSION FINDS:

That said petition should be granted.

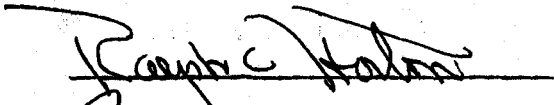
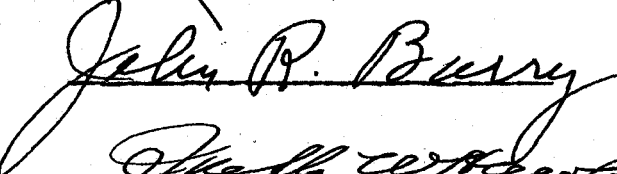
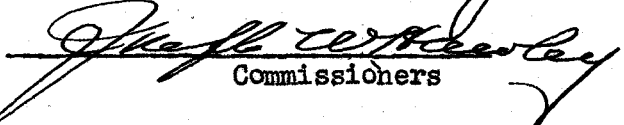
O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed herein by T. A. Stockton,
Jr., Esq., in behalf of protestant, should be granted, said rehearing

to be had at some future date convenient to the Commission, with
notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PERRY BOLIN)
5525 WEST COLFAX)
LAKEWOOD, COLORADO)
-----)

PERMIT NO. B-4101

November 27, 1950

S T A T E M E N T

By the Commission:

On July 25, 1950, the Commission authorized Perry Bolin to suspend operations under his Permit No. B-4101 until January 20, 1951.

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

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-4101 should be, and the same hereby is, reinstated as of November 22, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Oscar P. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 27th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES O. PATTERSON & R. A.)
JENNINGS DBA P-J TAXI,) P. U. C. 1871
GRANBY, COLORADO)
-----)

November 30, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holders, requesting that their P. U. C. No. 1871 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

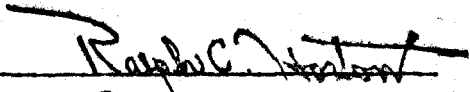
O R D E R

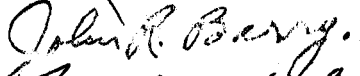
THE COMMISSION ORDERS:

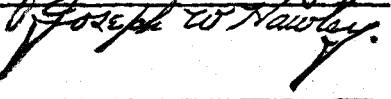
That James O. Patterson & R. A. Jennings be, and they are hereby, authorized to suspend their operations under P. U. C. No. 1871 until May 11, 1951.

That unless said James O. Patterson & R. A. Jennings shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file unsurance, and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES R. TOWNER)
BOX NO. 46)
MERINO, COLORADO)
-----)

PERMIT NOS. B-3225 & B-3225-I

November 30, 1950

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 Nos. B-3225 & B-3225-I be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

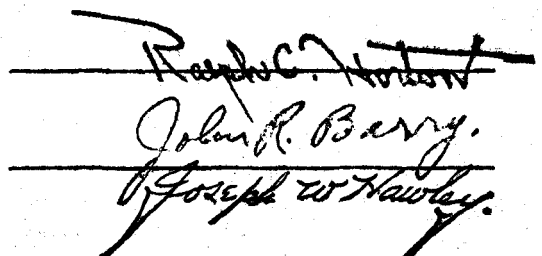
O R D E R

THE COMMISSION ORDERS:

That Charles R. Towner be, and he is hereby, authorized to suspend his operations under Permit Nos. B-3225 & B-3225-I until May 27, 1951.

That unless said Charles R. Towner 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



Commissioners

Dated at Denver, Colorado
this 30th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. H. QUILLER AND MABLE Q. HUNT,)
DOING BUSINESS AS "QUILLER'S,")
CENTRAL CITY, COLORADO)
-----)

CASE NO. 53846-INS.
(Permit No. C-871)

November 29, 1950.

S T A T E M E N T

By the Commission:

On October 24, 1950, in Case No. 53846-INS., the Commission entered an order revoking Permit No. C-871, for failure to keep on file effective insurance. However, since proper insurance filing was made on October 26, 1950, or within the five-day period of grace allowed in the order, revocation should be set aside.

F I N D I N G S

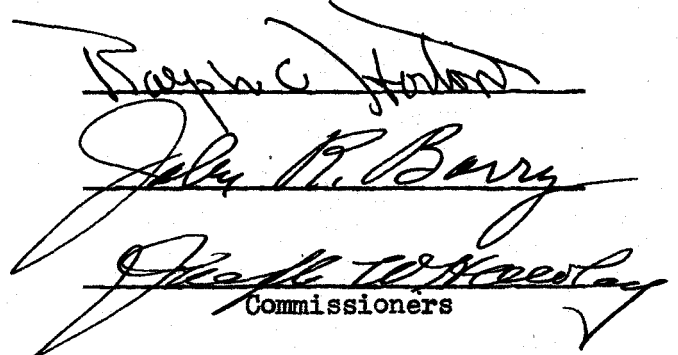
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53846-Ins., should be cancelled and set aside, and said Permit No. C-871 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53846-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-871 restored to its former status as of October 24, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM B. McMAHON; SILVERTON,)
COLORADO.) (CASE NO. 53577-INS.
-----) (Permits Nos. B-2782 & C-2819)

November 29, 1950

S T A T E M E N T

By the Commission:

On October 10, 1950, in Case No. 53577-Ins., the Commission entered an order revoking Permits Nos. B-2782 and C-2819 for failure to keep on file effective insurance. Insurance was in effect covering both permits, but through neglect of insurance agent was not filed. Since proper insurance filing has now been made without lapse, order of revocation should be set aside.

F I N D I N G S

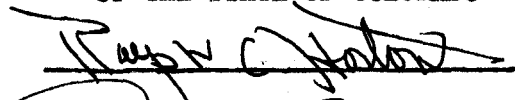
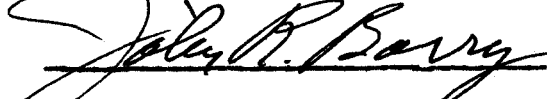

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 53577-Ins., should be cancelled and set aside, and said Permits Nos. B-2782 and C-2819 restored to their former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53577-Ins., should be, and it hereby is, cancelled and set aside, and said Permits Nos. B-2782 and C-2819 restored to their former status as of October 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE B. MILES, ROUTE 3, BOX 135,)
GOLDEN, COLORADO)
-----)

CASE NO. 54049-INS
(Permit No. C-17592)

November 29, 1950

S T A T E M E N T

By the Commission:

On November 8, 1950, in Case No. 54049-Ins., the Commission entered an order revoking Permit No. C-17592 for failure to keep on file effective insurance. Insurance was in effect and filed with the Commission in due time, but owing to a discrepancy in the address, was not accepted and was returned to the agent for correction and was not refiled until after revocation order was mailed. Since insurance is now on file, without lapse, order of revocation should be set aside.

F I N D I N G S

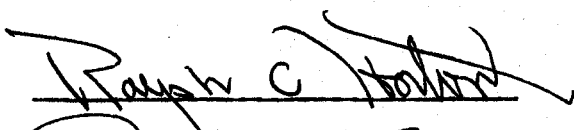
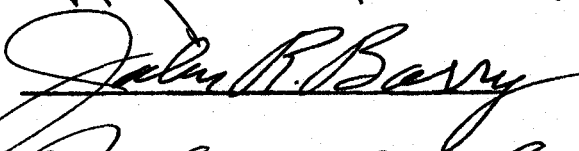

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 54049-Ins., should be cancelled and set aside, and said Permit No. C-17592 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 54049-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-17592 restored to its former status as of November 8, 1950.

THE PUBLIC UTILITIES COMMISSION .
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 29th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BILL A. COULSON)
ROUTE 4) PERMIT NO. B-4088
GRAND JUNCTION, COLORADO)
-----)

November 30, 1950

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-4088 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

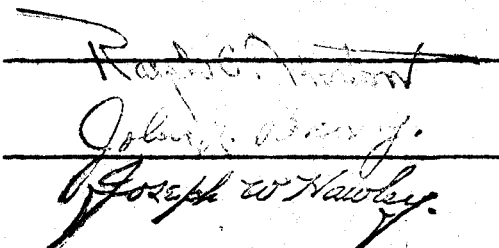
O R D E R

THE COMMISSION ORDERS:

That Bill A. Coulson be, and he is hereby, authorized to suspend his operations under Permit No. B-4088 until May 27, 1951.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. B. WEST, 1010 WEST PINE ST.,)
RAWLINS, WYOMING.)
-----)

PUC NO. 1917-I.

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. B. West, requesting that Certificate of Public Convenience and Necessity No. 1917-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 Certificate No, 1917-I, heretofore issued to W. B. West, be, and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Martin
John H. Berry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 5th day of December, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS' OF)
W. B. WEST, 1010 WEST PINE ST.,)
RAWLINS, WYOMING)
)
)
)

PERMIT NO. C-21538

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
W. B. West,
requesting that Permit No. C-21538 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-21538, heretofore issued to
W. B. West, be,
and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
Orlando R. Berry
Joseph W. Harty
Commissioners

Dated at Denver, Colorado,
this 5th day of Dec., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. L. RHOADS, 1009 DWYER AVE.,)
RATON, NEW MEXICO.)

PERMIT NO. C-21784

December 5, 1950

S T A T E M E N T

By the Commission:

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

T. L. Rhoads,

requesting that Permit No. C-21784 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-21784, heretofore issued to.....

T. L. Rhoads,.....be,

and the same is hereby, declared cancelled effective **November 17, 1950.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 5th day of December, 195 0.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
T. L. RHOADS, 1009 DWYER AVE.,)
RATON, NEW MEXICO.)
-----)

PUC NO. 1899-I.

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. L. Rhoads, requesting that Certificate of Public Convenience and Necessity No. 1899-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 Certificate No. 1899-I, heretofore issued to T. L. Rhoads, be, and the same is hereby declared cancelled, effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond C. Thornton

John L. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 5th day of December, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. C. BROWN)
JAMESTOWN, COLORADO)
)
) PERMIT NO. C-24095
)
)
-----)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
H. C. Brown

requesting that Permit No. C-24095.....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-24095....., heretofore issued to.....
H. C. Brown
-----be,
and the same is hereby, declared cancelled effective October 4, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John H. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RUTH D. ROGERS, ADMINX.)
ESTATE OF HARRY R. ROGERS,)
DECEASED) PERMIT NO. C-7522
RFD #1)
DOLORES, COLORADO)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Ruth D. Rogers

requesting that Permit No. C-7522.....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-7522....., heretofore issued to.....
Ruth D. Rogers.....be,
and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph H. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MAX KATCHEN)
1424 PERRY STREET)
DENVER 4, COLORADO) PERMIT NO. C-21807
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

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

requesting that Permit No. C-21807.....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-21807....., heretofore issued to.....
Max Katchen.....be,

and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 5th day of December, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WENDELL BIRMINGHAM)
7615 WEST 48TH AVE.,)
WHEATRIDGE, COLORADO) PERMIT NO. C-19583
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

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

requesting that Permit No. C-19583.....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-19583....., heretofore issued to.....
Wendell Birmingham.....be,
and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. B. JOHNSTON GRAIN CO.)
415 WEST CHESTER)
ENID OKLAMOMA) PERMIT NO. C-13580
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
W. B. Johnston Grain Co.

requesting that Permit No. C-13580..... 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-13580....., heretofore issued to.....
W. B. Johnston Grain Co. be,
and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John H. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES O. PAULI)
KIRK, COLORADO)
)
)
)
)
)

PERMIT NO. C-20375

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
James O. Pauli

requesting that Permit No. C-20375 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-20375, heretofore issued to
James O. Pauli
----- be,
and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR J. HALL)
P. O. BOX 53)
4951 S. SANTA FE) PERMIT NO. C-21708
LITTLETON, COLORADO)
-----)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Arthur J. Hall

requesting that Permit No. C-21708.....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-21708....., heretofore issued to.....
Arthur J. Hall

.....be,
and the same is hereby, declared cancelled effective October 31, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this.....5th day of December....., 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK URSETTA, DBA)
URSETTA PACKING CO.)
4134 VALLEJO ST,) PERMIT NO. C-23500
DENVER 11, COLORADO)
-----)

December 5, 1950

S T A T E M E N T

By the Commission:

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

requesting that Permit No. C-23500.....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-23500....., heretofore issued to.....
Jack Ursetta.....be,

and the same is hereby, declared cancelled effective October 2, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 5th day of December, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE GABRIEL SHAW)
2411 W. YALE)
DENVER, COLORADO) PERMIT NO. C-24515
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
George Gabriel Shaw

requesting that Permit No. C-24515.....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-24515....., heretofore issued to.....
George Gabriel Shaw.....be,

and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Wentworth

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 5th day of December, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
KARL A. INGRAM, JR.)
BOX 414)
TABERNASH, COLORADO) PERMIT NO. C-25611
)
)
-----)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Karl A. Ingram, Jr.

requesting that Permit No. C-25611..... 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-25611....., heretofore issued to.....
Karl A. Ingram, Jr. be,

and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John R. Barry

Joseph W. Hawley

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 5th day of December, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST ADKINS)
GEN. DEL.)
ALTUS, OKLAHOMA) PERMIT NO. C-25066
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

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

requesting that Permit No. C-25066 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-25066, heretofore issued to.....
Ernest Adkins.....be,

and the same is hereby, declared cancelled effective October 21, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY E. FIELDS)
WESTCLIFFE, COLORADO)
) PERMIT NO. C-25648
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Guy E. Fields
requesting that Permit No. C-25648 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-25648, heretofore issued to Guy E. Fields be,
and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Norton
John H. Barry.
Joseph W. Hawley.
Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BARTLEY'S INC.,)
1332 EAST COLRAX)
DENVER 6, COLORADO) PERMIT NO. C-25713
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Bartley's Inc.,

requesting that Permit No. C-25713.....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-25713....., heretofore issued to.....
Bartley's Inc.,
-----be,

and the same is hereby, declared cancelled effective November 4, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Brown
Colin R. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 5th day of December, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LARSON W. JOHNSON)
303 NORTH FIRST)
LAMAR, COLORADO) PERMIT NO. C-26131
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Larson W. Johnson

requesting that Permit No. C-26131 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-26131
Larson W. Johnson
-----be,
and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Oscar R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PAN-AMERICAN TRAILER COACH CO.)
974 SOUTH FAIR OAKS AVE.,)
PASADENA, CALIFORNIA) PERMIT NO. C-20298
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Pan-American Trailer Coach Co.

requesting that Permit No. C-20298 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-20298, heretofore issued to
Pan-American Trailer Coach Co
-----be,
and the same is hereby, declared cancelled effective November 22, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harold C. Hanson

John F. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT J. KELSO)
CHUGWATER, WYOMING)
)
) PERMIT NO. C-23478
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Robert J. Kelso

requesting that Permit No. C-23478 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-23478, heretofore issued to
Robert J. Kelso
-----be,
and the same is hereby, declared cancelled effective November 24, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD HARDIN, DBA)
RICHARD HARDIN SAWMILL)
ISLE ROUTE) PERMIT NO. C-3594
CANON CITY, COLORADO)
-----)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Richard Hardin

requesting that Permit No. C-3594 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-3594, heretofore issued to
Richard Hardin
----- be,
and the same is hereby, declared cancelled effective November 5, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK CULLER)
ROMEO, COLORADO)
)
) PERMIT NO. C-22845
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Frank Culler
.....
requesting that Permit No. C-22845.....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-22845....., heretofore issued to.....
Frank Culler
.....be,
and the same is hereby, declared cancelled effective October 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. Hawley

Joseph W. Hawley

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD F. JOHNSON)
)
CRAIG, COLORADO) PERMIT NO. C-17579
)
)
-----)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Harold F. Johnson-----
requesting that Permit No. C-17579-----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-17579-----, heretofore issued to-----
Harold F. Johnson-----be,
and the same is hereby, declared cancelled effective October 27, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Robert B. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 195 0

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GLEN E. CHAPIN)
RT. #1 BOX 107)
CANON CITY, COLORADO) PERMIT NO.C-19133
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Glen E. Chapin

requesting that Permit No..C-19133.....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-19133....., heretofore issued to.....
Glen E. Chapin.....be,
and the same is hereby, declared cancelled effective November 22, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Brown

John E. Barr

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH PRUETT & A. G. DAVIS)
615 BROADWAY)
PUEBLO, COLORADO) PERMIT NO. C-24510
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Ralph Pruett & A. G. Davis
.....
requesting that Permit No. C-24510.....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-24510....., heretofore issued to.....
Ralph Pruett & A. G. Davis.....be,
and the same is hereby, declared cancelled effective November 24, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. A. HUFFAKER & R. E. SKILLING)
DBA HUFFAKER & SKILLING)
910 ALEXANDER ROAD) PERMIT NO. C-24545
COLORADO SPRINGS, COLORADO)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
J. A. Huffaker & R. E. Skilling

requesting that Permit No. C-24545 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-24545, heretofore issued to
J. A. Huffaker & R. E. Skilling be,
and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hanson

John R. Dancy

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950.
eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EMERY G. DICKMAN)
SILVERTON, COLORADO)
) PERMIT NO. C-19281
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Emery G. Dickman

requesting that Permit No. C-19281 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-19281, heretofore issued to
Emery G. Dickman
----- be,
and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
EMERY G. DICKMAN)
SILVERTON, COLORADO)
) PERMIT NO. A-3192
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Emery G. Dickman

requesting that Permit No. A-3192.....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. A-3192....., heretofore issued to.....
Emery G. Dickman.....be,
and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Oliver H. B. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK KOMULA)
C/O OSCAR KOMULA)
BOX 206) PERMIT NO. B-3909
CHASSELL, MICHIGAN)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Jack Komula

requesting that Permit No. B-3909 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-3909, heretofore issued to
Jack Komula

and the same is hereby, declared cancelled effective November 17, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 5th day of December, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT O. SMITH)
BOX 7)
BROOMFIELD, COLORADO) PERMIT NO. B-3866
)
)
)
-----)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Robert O. Smith

requesting that Permit No. B-3866 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-3866, heretofore issued to
Robert O. Smith
-----be,
and the same is hereby, declared cancelled effective November 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Baugh

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKE COSTABILE)
2603 WEST 24TH AVE.,)
DENVER 11, COLORADO) PERMIT NO. B-3115
)
)
)

December 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Mike Costabile
.....
requesting that Permit No. B-3115.....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-3115....., heretofore issued to.....
Mike Costabile.....be,
and the same is hereby, declared cancelled effective November 4, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Oliver R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this.....5th day of December....., 1950

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE J. FESSER, DOING BUSINESS AS)
"LAKE CITY LIGHT & POWER COMPANY,")
LAKE CITY, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)
-----)

APPLICATION NO. 10743.

November 28, 1950

Appearances: Charles J. Moynihan, Esq., of
Moynihan, Hughes and Sherman,
Montrose, Colorado, for applicant;
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to interested parties, was set for hearing in the Court House at Lake City, Colorado, on Wednesday, September 20, 1950, was there heard by the Commission and taken under advisement.

George J. Fesser, of Lake City, Colorado, applicant herein, seeks authority from the Commission to operate an electric utility in Lake City and in the area within two (2) miles North, East and West, and three-quarters (3/4) miles South of said city limits.

Mr. Fesser applied to the town for a franchise, and on November 14, 1949, the Board of Trustees of Lake City passed and adopted Ordinance No. 1, being:

"An Ordinance granting to George J. Fesser of Lake City, Colorado, his heirs, executors, administrators and assigns, the right to construct, maintain and operate an electric transmission and distribution system and power plant in, or adjacent to, the Town of Lake City, Colorado, and to generate, furnish and sell electric energy to the said Town and the inhabitants thereof and imposing certain conditions upon the exercise of the rights and privileges hereby granted."

The above-entitled franchise is for a period of 25 years, and a certified copy of said franchise, proof of publication and acceptance by applicant were filed as part of the record herein as Exhibits 2 and 3.

Mr. Fesser testified at the hearing that he originally started his operations in Lake City in September, 1947, with an Allis-Chalmers generator of 25 KW capacity, and in May, 1948, he increased his generating capacity by the purchase of a 35 KW generator, using a gasoline-driven engine. On or about the 7th of May, 1949, he purchased a new 45 KW Diesel-electric generating unit which he used for generating electricity until about July, 1950, when he began purchasing electricity wholesale from W. O. Baker under a contract dated June 27, 1950. A copy of the contract between W. O. & Leila M. Baker and George J. Fesser has been marked Exhibit No. 1 and filed in the instant proceeding. Since the start of operations mentioned above, electricity has been sold by Mr. Fesser under a flat rate, but electric meters are now being installed and at the present time, both a flat rate and a metered rate is being used. It is intended to have meters installed on all customers' services by November 1, 1950, and to serve all said customers on a metered rate. The system has between 20 and 30 customers in the wintertime, and between 80 and 85 customers in the summertime. The increase of customers in the summer is due to the influx of tourists.

Exhibit No. 1, previously referred to as the Baker Contract, calls for Mr. Baker to furnish 100 KW of capacity on a 24-hour basis for a period of ten years. All energy sold to Applicant by Baker will be at the rate of 4¢ per KWH, with a guaranteed monthly minimum of \$100. The energy sold will be metered and delivered to Applicant at the Baker Hydro Plant, located 1-3/4 miles North of Lake City. This Hydro Plant is owned and operated by W. O. Baker and it consists of a Pelton water wheel direct connected to a 100 KW, 3-phase, 60-cycle, 2300-volt generator, together with other necessary equipment used in generating and supplying electricity. By the terms of the contract, Baker will furnish a stand-by prime mover to be installed by November 1, 1950, to supplant the Pelton water wheel in case

of a breakdown or the failure of the water supply. No provision is made in said contract for duplicate generating facilities by Baker.

Since entering into the Baker Contract, applicant does not propose to use his own generating equipment except as a stand-by or for peaking purposes during the summer months, should the system load increase sufficiently to warrant such additional generation.

There was considerable testimony at the hearing regarding the metered rate and the monthly minimum to be charged, and how this minimum was to be applied in regard to rental tourist cabins. Since the operations proposed herein are of a highly seasonal nature, the question of rates and minimums present a bigger problem than would be true in an instance where the utility can depend on a fairly constant number of customers to be served.

Any utility operation on a small scale is a difficult one financially, as there is considerable risk that the utility may fail because it is so small, but when a seasonal factor is added to a small utility operation, such as we have here, it becomes extremely difficult to determine a rate and the minimum charge. After examining and studying all the facts involved in setting a rate, the Commission might determine that a certain rate was non-confiscatory, and under the conditions assumed, should provide an adequate return on the investment plus operating expenses. In a small operation, this rate could conceivably be too high for the individual customers, and, while a legal and fair rate, the utility still might fail because of being priced out of the market. If the rate were deliberately set low to induce customer usage, the utility might fail because of the small number of customers with their limited amount of usage. The Commission cannot guarantee that the operation under either condition, as stated above, will succeed financially. There is still the inherent risk involved in being in a business, even in the utility business.

The matter of setting meters at each individual residence in a cabin or trailer camp has been before the Commission previously. (Case 4991, Decision No. 32053, dated January 25, 1949). The utility should not be

concerned with the type of business its customers engage in, so long as the customers pay their electric bills and abide by the utility's rules and regulations. It is only when cabin camps purchase electricity from a utility and then submeter and sell the electricity in competition with the utility that they need be concerned. The utility can avoid this situation by filing a rule with the Commission prohibiting the resale of its product under its residential and business rates. If this rule is violated, the utility can give 24 hours' written notice to the customer and then cut off the service if the customer does not conform. The customer should not, on the other hand, be required to have each individual rental cabin metered by the utility and pay a minimum charge for each cabin so metered if he elects at his option to take service under one master meter under the proper rate, pays his bill and abides by all the rules and regulations.

The cabin camp operators, without exception, stated at the hearing in Lake City, that if they were required to have a meter installed on each of their rental cabins and pay a guaranteed monthly minimum, amounting to \$5.00 per month per cabin for a period of six months, as proposed by applicant, they would be better off to generate their own electricity, since it would be cheaper. Their cabins are only rented for two or three months during the summer, and one operator stated he has 14 cabins and each one averages 75 to 78 days rental per year. While they objected to the minimum as above stated, none of the operators objected to the kilowatt hour rate. No objection was voiced to 15¢ per KWH, and one operator said he would pay 20¢ to 25¢ per KWH if necessary, but would not pay the guaranteed six months minimum.

In view of Commission experience in the past with similar operations, we believe that applicant will stand a better chance of succeeding in business if his minimum charge does not alienate his few prospective customers before he really has a chance to start operating as a public utility.

There is little data available at this time before the Commission upon which to determine a so-called final rate. The rate set should be in the nature of an interim rate until such time as there is sufficient information available to make a rate investigation. A rate is never considered permanent, since it is subject to change either up or down, depending upon existing conditions. The Commission, as a matter of routine, checks the annual reports of the utilities for excessive earnings, and the customers of a utility can at any time request such an investigation if they feel they are being penalized or that discrimination exists.

The rate proposed by applicant is set out below, together with the rate proposed by the Commission's Staff:

Rates Proposed by Utility:

Annual Residence Rate:
 First 30 KW hrs used per KW hr 15¢
 Second 30 KW hrs used per KW hr 13¢
 Remainder KW hrs used per KW hr 10¢
 Minimum bill \$5.00 per month
 Usage of 12 months per year required.

Seasonal Residence Rate:
 First 60 KW hrs used per KW hr 15¢
 Second 60 KW hrs used per KW hr 13¢
 Remainder KW hrs used per KW hr 10¢
 Minimum bill \$5.00 per month.
 Minimum usage of 4 months per year required.

Annual Business Rate:
 First 50 KW hrs used per KW hr 15¢
 Second 50 KW hrs used per KW hr 13¢
 Remainder KW hrs used per KW hr 10¢
 Minimum \$10.00 per month.
 Usage of 12 months per year required.

Seasonal Business Rate:
 First 100 KW hrs used per KW hr 15¢
 Second 100 KW hrs used per KW hr 13¢
 Remainder KW hrs used per KW hr 10¢
 Minimum of \$10.00 per month.
 Usage of 6 months per year required.

Rates Proposed by Commission's Staff:

Annual Residence Rate:
 First 30 KW hrs used per KW hr 15¢
 Next 30 KW hrs used per KW hr 13¢
 All over 60 KW hrs used per KW hr 10¢
 Minimum bill \$3.00 per month
 Service to be for a period of not less than 12 months.

Seasonal Residence Rate:
 First 60 KW hrs used per KW hr 15¢
 Next 60 KW hrs used per KW hr 13¢
 All over 120 KW hrs used per KW hr 10¢
 Minimum bill \$6.00 per month.
 Service to be on a contract basis for not less than 4 consecutive months.

Annual Business Rate: (1)
 First 30 KW hrs used per KW hr 15¢
 Next 30 KW hrs used per KW hr 13¢
 All over 60 KW hrs used per KW hr 10¢
 Minimum rate \$3.00 per month.
 Service to be for a period of not less than 12 months.

Seasonal Business Rate: (2)
 First 60 KW hrs used per KW hr 15¢
 Next 60 KW hrs used per KW hr 13¢
 All over 120 KW hrs used per KW hr 10¢
 Minimum bill \$6.00 per month.
 Service to be on a contract basis for not less than 4 consecutive months.

Note:

(1) When service to hotels, motels, cottage camps or trailer camps is rendered under this rate, the minimum monthly charge and the blocks of the rate shall be increased for each unit above the first unit served as follows:

The minimum monthly charge shall be increased \$1.50 per month per unit for each unit above one unit.

The Kilowatt hour blocks of the rate shall be increased by 15 KW hours in both the first and second blocks of the rate for each unit served above the first unit.

A unit is defined as a living quarters in a cabin, motel or trailer camp and in a hotel as three rooms (excluding halls, closets and bathrooms).

EXAMPLE:

A cottage camp with seven units

Rate to be used:

First 120 KW hrs per KW hr	15¢
Next 120 KW hrs per KW hr	13¢
All over 240 KW hrs per KW hr	10¢
Minimum bill per month	\$12.00
Service to be for a period of not less than 12 months.	

Calculations:

First block:	
15 KW hrs x 6 units	90 KW hrs
90 KW hrs + 30 KW hrs for the first unit	120 KW hrs
Second block:	
15 KW hrs x 6 units	90 KW hrs
90 KW hrs + 30 KW hrs for the first unit	120 KW hrs
Minimum bill:	
First unit, minimum	\$3.00
Next 6 units, 6 x \$1.50	9.00
Total minimum, per mo.	\$12.00

(2) When service to hotels, motels, cottage camps or trailer camps is rendered under this rate, the minimum monthly charge and the blocks for the rate shall be increased for each unit above the first unit served as follows:

The minimum monthly charge shall be increased \$3.00 per month per unit for each unit above one unit.

The Kilowatt hour blocks of the rate shall be increased by 30 KW hours in both the first and second blocks of the rate for each unit served above one unit.

A unit is defined as a living quarters in a cabin, motel or trailer camp and in a hotel as three rooms (excluding halls, closets and bathrooms).

EXAMPLE:

A Hotel with 15 rooms (excluding halls, closets and bathrooms).

<u>Rate to be used:</u>		<u>Calculations:</u>	
First 180 KW hrs per KW hr	15¢	<u>15 rooms</u> =	5 units
Next 180 KW hrs per KW hr	13¢	3 rooms	
All over 360 KW hrs per KW hr	10¢	First block:	
Minimum bill per month \$18.00.		30 KW hrs x 4 units	120 KW hrs
Service to be on a contract		120 KW hrs + 60 KW hrs for	
basis for not less than four		the first unit	180 KW hrs
consecutive months.			
		Second block:	
		30 KW hrs x 4 units	120 KW hrs
		120 KW hrs + 60 KW hrs for	
		the first unit	180 KW hrs
		Minimum bill:	
		First unit, minimum	\$6.00
		Four units, 4 x \$3.00	<u>12.00</u>
		Total minimum, per mo.	\$18.00

It is obvious that when a multiple unit customer is to be served he is not entitled to the same rate for his operation as a single dwelling unit, since his service puts a greater demand on the system and his larger usage enables him to buy energy on the lower block of the rate due to multiple units. To put each unit on a separate meter is one solution, but in this instance where the cabins are only used part time it means an additional investment for the cabin camp operator in wiring and also an additional investment for the utility in the setting of individual meters and the added time in reading and billing.

The rate proposed by the Staff, with the provision for multiple unit service, is fair to all concerned. This rate eliminates the necessity of individual meters and reduces the guaranteed monthly minimum for multiple dwelling units, while it also protects the utility by increasing the first two blocks of the rate to take care of the additional revenue needed for this type of service.

Applicant has filed with the Commission as an exhibit, his estimate of the original cost of the system. A valuation of \$28,000.00 will be used by the Commission as a basis for a charge for the issuance of the certificate sought herein, but said amount will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

There are no other electric utilities operating in the area covered by this application, and no one appeared at the hearing in opposition to the granting of the application.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the granting of the authority sought.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the construction, installation, maintenance and operation of an electrical transmission and distribution system, serving the area within the corporate limits of the Town of Lake City, Hinsdale County, Colorado, and also the area included within two (2) miles North, East and West, and three-fourths (3/4) mile South of said town limits, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the exercise by Applicant George J. Fesser, doing business as "Lake City Light & Power Company," of the rights and privileges granted by the Board of Trustees of the Town of Lake City, in and by Ordinance No. 1 of November 14, 1949, attached to the application herein as Exhibit No. 2, which by reference is made a part hereof.


That applicant shall file with the Commission, on standard rate forms within twenty days, the rates as shown in the preceding Statement, being the "Rates Proposed by the Commission Staff" to become effective when filed, and applying to all electricity sold on the December, 1950, billing, and thereafter.

That additional rate sheets shall be filed with the above rate schedules, showing Notes 1 and 2 and the sample calculations as set forth in the preceding Statement, being sample calculations showing the rate to be used for multiple dwelling units.

That applicant shall file his rules and regulations, set up his books and accounts in agreement with the Uniform Classification of Accounts, as adopted by the Commission, and bring all his practices as to meter testing, records of meters, records of customers' complaints and deposits and record of outages, into compliance with the Commission's requirements within 20 days from date.

That this order shall become effective 20 days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



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

Dated at Denver, Colorado,
this 28th day of November, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOSEPH ALMEN, 44 DEER PATH AVENUE,)	
MANITOU SPRINGS, COLORADO, FOR)	<u>APPLICATION NO. 10892-Transfer</u>
AUTHORITY TO TRANSFER PUC NO. 1945)	
TO CLARENCE BOSHART, 1336 SOUTH)	
25TH, COLORADO SPRINGS, COLORADO.)	
-----)	

November 29, 1950

S T A T E M E N T

By the Commission:

On November 4, 1948, by Decision No. 31454, Joseph Almen, Manitou Springs, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of:

garbage between the Boyda B. Babcock Hog Farm, east of Colorado Springs, or other hog farms, and approved disposal centers in El Paso County, Colorado, and the Towns of Manitou Springs, Cascade, Green Mountain Falls, Crystola, Woodland Park, and intermediate points in El Paso County, Colorado, and Teller County, Colorado,

said operating rights being designated "PUC No. 1945."

By the instant application, said certificate-holder seeks authority to transfer said operating rights to Clarence Boshart, Colorado Springs, 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 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 certificate,

the Commission determined to hear, and has heard, said application, 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 there be.

O R D E R

THE COMMISSION ORDERS:

That Joseph Almen, Manitou Springs, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1945--being the operating rights granted by Decision No. 31454--to Clarence Boshart, Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

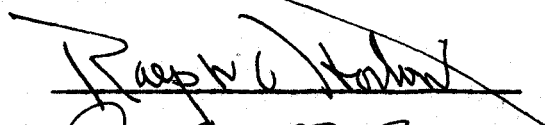
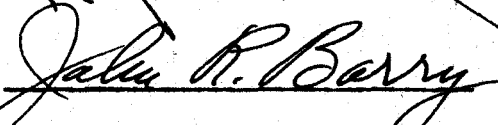

The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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

That ton-mile tax deposit of transferor shall 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 29th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EMERY G. DICKMAN, SILVERTON, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PER-)
MIT NO. B-2967 TO GEORGE TOMASI,)
BEN J. TOMASI, AND HUGO L. WILLIS,)
CO-PARTNERS, DOING BUSINESS AS)
"WILLIS & TOMASI," SILVERTON, COLO-)
RADO.)
-----)

APPLICATION NO. 10891-PP-Transfer

November 29, 1950

S T A T E M E N T

By the Commission:

By Decision No. 25189, of date November 28, 1945, Hill Pipe
& Machinery Co., Silverton, Colorado, was granted a Class "B" permit
to operate as a private carrier by motor vehicle for hire for the trans-
portation of:

ore and concentrates from mines located in
San Juan County, Colorado, to railheads or
mills in San Juan County, and the right to
transport mining machinery and mine supplies
from points within a radius of fifty miles
of Silverton to mines in San Juan County, for
whom they transport ores and concentrates,

said operating rights being designated "Permit No. B-2967."

Pursuant to authority contained in Decision No. 28276, of date
May 31, 1947, said permit-holder transferred said operating rights to
Emery G. Dickman, Silverton, Colorado.

By Decision No. 29013, of date September 17, 1947, said
Emery Dickman was authorized to extend operations under Permit No.
B-2967 to include the right to transport:

ores and concentrates from mines located in
San Juan County to the mills or reduction
plants of the American Zinc, Lead & Smelting
Company, near Ouray, Colorado, for customers
served under Permit No. B-2967.

By Decision No. 33351, of date August 29, 1949, said permit-
holder was authorized to further extend operations under said permit

to include the right to transport:

concentrates and ores from points in San Juan County to Leadville, Colorado, on and over U. S. Highway No. 550 to Montrose, Colorado; thence over U. S. Highway No. 50 to the junction with U. S. Highway No. 40 west of Salida; thence over U. S. Highway No. 24 to Leadville, Colorado.

By the instant application, Emery Dickman seeks authority to transfer Permit No. B-2967 to George Tomasi, Ben J. Tomasi, and Hugo L. Willis, co-partners, doing business as "Willis & Tomasi," Silverton, 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 permit, the Commission determined to hear, and has heard, said application, 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 Emery G. Dickman, Silverton, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2967—being the operating rights granted by Decisions Nos. 25189, 29013, and 33351—to George Tomasi, Ben J. Tomasi, and Hugo L. Willis, co-partners, doing business as "Willis & Tomasi," Silverton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

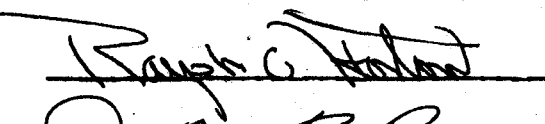
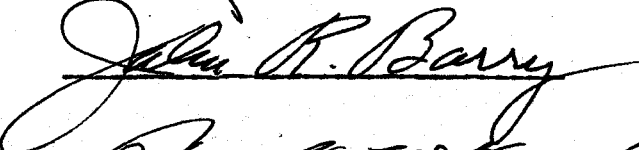
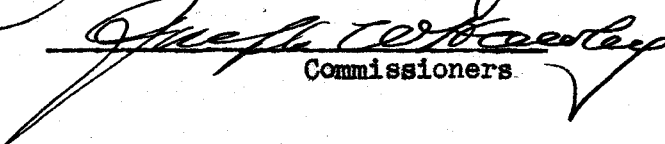
The right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer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

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

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

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 29th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REUBEN BURKHARDT, IDAHO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 10893-Transfer
PUC NO. 1877 TO WESLEY A. SWANSON,)
IDAHO SPRINGS, COLORADO.)
-----)

November 29, 1950

S T A T E M E N T

By the Commission:

By Decision No. 30032, of date March 3, 1948, Raymond G. Mc Gintie, doing business as "Idaho Springs Ice Company," Idaho Springs, Colorado, was authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

ashes, trash and garbage, within the City of Idaho Springs, Colorado, and between points and places within a five-mile radius of Idaho Springs, Colorado,

said operating rights being designated "PUC No. 1877."

Pursuant to authority contained in Decision No. 32996, of date June 29, 1949, said permit-holder transferred said operating rights to Reuben Burkhardt, who, by the instant application, seeks authority to transfer said PUC No. 1877 to Wesley A. Swanson, Idaho Springs, 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 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 certificate, the Commission determined to hear, and has heard, said application, 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 against said operation, if any there be, whether secured or unsecured.

O R D E R

THE COMMISSION ORDERS:

That Reuben Burkhardt, Idaho Springs, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1877--being the operating rights granted by Decision No. 30032--to Wesley A. Swanson, Idaho Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

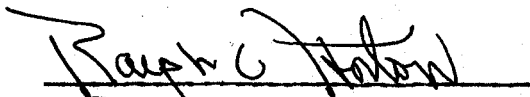
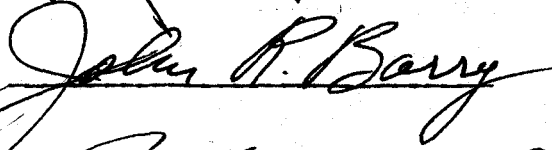

The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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, and the payment by him or transferee of all unpaid ton-mile tax.

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

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 29th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAVID M. BAKER AND WILLIAM L. FRAME,)
CO-PARTNERS, 1572 SHERIDAN BOULEVARD,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 1669 TO LAKEWOOD)
DISPOSAL CO., A COLORADO CORPORATION,)
5110 WEST COLFAX AVENUE, DENVER,)
COLORADO.)
-----)

APPLICATION NO. 10894-Transfer

November 29, 1950

Appearances: Samuel G. Ginsberg, Esq., Denver,
Colorado, for applicants.

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, co-partners, doing business as "Lakewood Scavenger
Service," Lakewood, Colorado, were granted a certificate of public conven-
ience 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, for Sheridan Boule-
vard 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 Lake-
wood, 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 op-
erating rights to Robert B. Carothers and William R. Bennett, Jr., co-
partners, Denver, Colorado, who, pursuant to authority contained in
Decision No. 32195, of date February 18, 1949, transferred said op-
erating rights to David M. Baker and W. L. Frame, co-partners, Denver,
Colorado, who, by Decision No. 32748, of date May 27, 1949, were auth-
orized to extend operations under PUC No. 1669 to include the right
to transport:

trash, garbage and gravel from the center of Kipling Street along railroad track west to 100 feet west of Klein Street; thence north to the center of Fourteenth Avenue; thence east to the center of Kipling Street, and intermediate points; also gravel from the Denver Gravel Pits to the points above mentioned, and also between points in an area in Jefferson County, Colorado, from Sheridan Boulevard west to Kipling Street, and from Alameda north to Twenty-Ninth Avenue, Denver, Colorado.

By the instant application, said David M. Baker and W. L. Frame seek authority to transfer PUC No. 1669 to Lakewood Disposal Co., a Colorado corporation, Denver, 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 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 certificate, the Commission determined to hear, and has heard, said application, 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 David M. Baker and William L. Frame, co-partners, Denver, Colorado, should 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,

as extended by Decision No. 32748—to Lakewood Disposal Co., a Colorado corporation, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

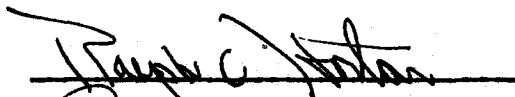
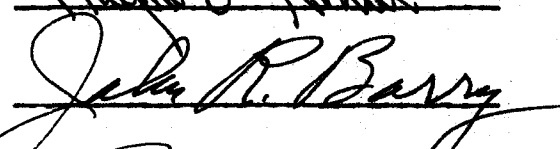

The tariff of rates, rules and regulations of transferors shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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, and the payment by them or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferors shall be transferred and credited 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 29th day of November, 1950

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. X. WERNET AND E. L. SCOTT,)
DOING BUSINESS AS "BUTANE-PROPANE)
GAS SERVICE CO." HOLYOKE, COLORADO.)
-----)

CASE NO. 54201-INS.
(Permit No. C-12638)

November 30, 1950

S T A T E M E N T

By the Commission:

On November 21, 1950, in Case No. 54201-Ins., the Commission entered an order revoking Permit No. C-12638, for failure to keep on file effective insurance.

However, since proper insurance filing has now been made within the five-day period of grace allowed in the order, revocation order should be set aside and permit reinstated.

F I N D I N G S

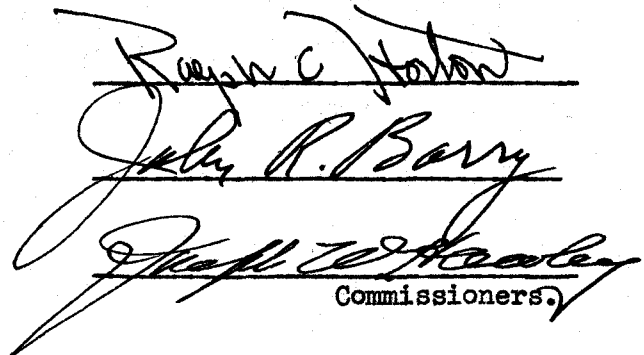
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 54201-Ins., should be cancelled and set aside, and said Permit No. C-12638 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 54201-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-12638 restored to its former status as of November 21, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VICK GARCIA, BOX 501, DEL NORTE,)
COLORADO.)
-----)

CASE NO. 54135-INS.
(Permit No. C-15700)

November 30, 1950

S T A T E M E N T

By the Commission:

On November 21, 1950, in Case No. 54135-Ins., the Commission entered an order revoking Permit No. C-15700, for failure to keep on file effective insurance. However, since proper insurance filing was made within the five-day period of grace allowed in the order, the revocation should be set aside.

F I N D I N G S

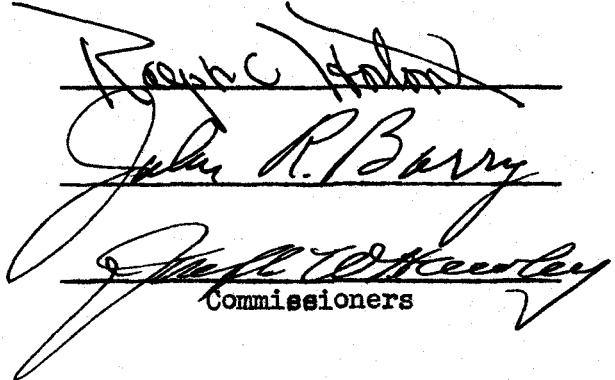
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 54135-Ins., should be cancelled and set aside, and said Permit No. C-15700 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 54135-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-15700 restored to its former status as of November 21, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF THE ROCKY MOUNTAIN GAS COMPANY
TO SELL AND WESTERN UTILITIES
COMPANY TO PURCHASE ALL OF THE
PHYSICAL ASSETS, FRANCHISE AND
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY OF THE ROCKY MOUNTAIN
GAS COMPANY, SITUATE IN AND RELATING
TO THE GAS SYSTEM AT CRAIG, COLORADO,
AND VICINITY, AND RELATED MATTERS.

APPLICATION NO. 10886

November 28, 1950

Appearances: Harold Healy, Casper, Wyoming, for
Applicant, The Rocky Mountain
Gas Company;
Gerald L. Schlessman, H. S. Lanning,
J. Churchill Owen, Esq., Denver,
Colorado, for Applicant, Western
Utilities Company;
J. M. McNulty, Denver, Colorado, and
W. Geo. Denny, Jr., Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

The instant application was filed November 21, 1950,
and set for hearing by this Commission on November 28, 1950, without any
requirement for additional notice. The matter was duly heard November 28,
1950 at 10:00 o'clock A. M. at the State Office Building, Denver, Colo-
rado, and then taken under advisement.

This is an application of The Rocky Mountain Gas Company, a
Wyoming corporation, and Western Utilities Company, a Colorado corpor-
ation, for authority to the former to transfer, and for the latter to ac-
quire, the gas supply and distribution system in and about the Town of
Craig, Moffat County, Colorado, and a certificate of public convenience
and necessity authorizing the operation of said supply and distribution
system and the exercise of the rights and privileges conferred by a certain
franchise and certificate of public convenience and necessity for the
distribution and sale of natural gas and artificial gas for the uses and
purposes of which natural gas and artificial gas are applicable and all
other property and rights incident to the foregoing.

Prior to the filing of this application, the Board of Trustees of the said Town of Craig by resolution had duly consented to the assignment of the said franchise as contemplated by this application. The Board of County Commissioners of Moffat County, under date of November 22, 1950, also consented to such assignment. Full publicity concerning the proposed transfer was given by the publication on November 15, 1950, in The Empire Courier, a newspaper of general circulation in the Town of Craig and vicinity, of an article describing the proposed transfer, stating that the Town of Craig had consented to the assignment of the franchise and that application was to be made to the Public Utilities Commission of the State of Colorado for authority for the transfer. No protests were filed against the granting of authority to make the transfer here sought.

The evidence disclosed that The Rocky Mountain Gas Company is a corporation organized, created and existing under and by virtue of the laws of the State of Wyoming, that such corporation has duly qualified as a foreign corporation under the laws of the State of Colorado, and that it is now lawfully transacting a public utility business in the State of Colorado. It owns and operates the gas supply and distribution system in and about the Town of Craig, in the County of Moffat, State of Colorado, for the distribution of natural gas and holds the following franchise and certificate of public convenience and necessity in connection therewith, to-wit:

Application No. 1997, Decision No. 4268, May 3, 1932:

"O R D E R

"IT IS THEREFORE ORDERED, That the public convenience and necessity require the construction, maintenance and operation by applicant of gas transmission and distribution lines and systems from the gas well located in the southeast corner of Section 9, Township 6 North, Range 91 West, in Moffat County, Colorado to the Town of Craig, Colorado (as per applicant's Exhibit "C" introduced in evidence in this case) for the purpose of supplying natural gas for light, heat, power and other purposes to the inhabitants of the Town of Craig, and the exercise by applicant of the franchise rights granted under the terms of an ordinance passed by the Board of Trustees of the Town of Craig on November 25, 1931, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor."

It also holds the franchise granted by the Board of Trustees of the Town of Craig on November 25, 1931, being Ordinance No. 161 of said

Town, as mentioned in the foregoing order.

The Rocky Mountain Gas Company purchases its supply of natural gas for distribution through its Craig system from Continental Oil Company and Sinclair Wyoming Oil Company, which gas is obtained from the Thornburg Field located in Township 3 North, Range 91 West, Moffat County, Colorado. Besides the distribution system in the Town of Craig, The Rocky Mountain Gas Company owns and operates two natural gas transportation pipelines supplying natural gas thereto. One of such transportation pipelines runs from the so-called Craig Dome located in the Southeast corner of Section 9, Township 6 North, Range 91 West, in Moffat County, Colorado, and is the line specifically mentioned in the Order quoted above granting the certificate of public convenience and necessity. The other pipeline runs from the said Thornburg Field to the Town of Craig and is the one which is currently being used to supply natural gas to the said distribution system in the Town of Craig.

Western Utilities Company is a corporation organized, created and existing under and by virtue of the laws of the State of Colorado. It formerly bore the name Durango Natural Gas Company, and until April, 1949, owned and operated the gas supply and distribution system in the city of Durango, State of Colorado, and territory adjacent thereto, under a certificate of public convenience and necessity granted by this Commission, Application No. 1176, Decision No. 1882, August 28, 1928. By order of this Commission entered April 21, 1949, being Decision No. 32408, entered upon Application No. 9923, the sale and transfer of these Durango properties, including the certificate of public convenience and necessity relating thereto, to Southern Union Gas Company were duly authorized by this Commission. Since said date this applicant has not owned or operated any public utility property. It has full corporate power to engage in the business of producing, purchasing, acquiring and selling, marketing and distributing natural gas in such cities, towns, villages and places in the State of Colorado as may afford convenient and satisfactory markets for the same. Its present stockholders, directors and officers are the same as they were at the time it operated the said gas utility system at Durango under the corporate name of Durango Natural Gas Company. A condensed balance sheet dated as of November 15, 1950, as shown on Exhibit B is hereby set forth.

EXHIBIT B

WESTERN UTILITIES COMPANY
Denver, Colorado

Balance Sheet

November 15, 1950

ASSETS AND OTHER DEBITS

Investment and Fund Accounts

Cash Surrender Value of Life Insurance 4,304.08

Current and Accrued Assets

Cash 326,127.84
Notes receivable and accrued
interest 150,590.00

Total Current and Accrued Assets 476,717.84

TOTAL 481,021.92

LIABILITIES AND OTHER CREDITS

Long term Debt

Notes Payable, due in five years
at 4 $\frac{1}{2}$ % interest 200,000.00

Current and Accrued Liabilities

Taxes Accrued - Income 7,446.16

Total Current and Accrued Liabilities 7,446.16

Capital Stock

Common 135,000.00

Surplus Earned

138,575.76

Total Capital 273,575.76

TOTAL 481,021.92

The evidence further disclosed that The Rocky Mountain Gas Company and Western Utilities Company entered into an agreement under date of November 10, 1950, for the sale by the former and the purchase by the latter of all of the physical properties, franchises, accounts receivable, contracts and other assets and properties of The Rocky Mountain Gas Company located in Moffat County, Colorado, and constituting its Craig system at and for a cash consideration of \$300,000.00, subject to certain adjustments. The properties covered by this agreement are more particularly described as follows:

The natural gas transportation pipelines extending from the Craig Dome Field to the Town of Craig and from the Thornburg Field to said Town, together with all field and gathering lines standing in the name of The Rocky Mountain Gas Company connecting the producing wells to the respective pipelines within said fields, and together with all necessary rights of way for said lines; the existing natural gas distribution system located within and adjacent to the town of Craig; all buildings (except the office building which will be transferred to a person other than Western Utilities Company but will be leased by the latter from the new owner), warehouses and other real estate in Moffat County, Colorado, owned by The Rocky Mountain Gas Company and used in operating the above-described natural gas pipelines and distribution system; all equipment used in connection with the operation and maintenance of the above-described natural gas pipelines and distribution system; all materials and supplies, all warehouse stock and all merchandise owned by The Rocky Mountain Gas Company and on hand at the closing date at Craig, Colorado; all accounts receivable on the date of closing, but not including bank accounts or cash; all contracts with respect to purchase or sale of natural gas through said plant and system; and, subject to any required consent or authorization of public authorities, the above-described franchise from the Town of Craig and the above-described certificate of Public convenience and necessity granted by this Commission.

The evidence further disclosed that upon completion of the proposed transfer after receiving the necessary authorization from this Commission, it is the intention of Western Utilities Company to file with this Commission an Adoption Notice and a Supplement to Tariff, adopting the tariffs now in effect in the Town of Craig, Colorado.

The evidence further disclosed that the Continental Oil Company and the Sinclair Wyoming Company have consented to the proposed assignment by The Rocky Mountain Gas Company to Western Utilities Company

of the gas supply contract covering the supply of gas from the Thornburg Field.

The evidence further disclosed, as shown by Exhibit F, that the balance sheet of Western Utilities Company prepared on a pro forma basis to show the acquisition of these Craig properties as contemplated by this transaction is as follows:

EXHIBIT F
WESTERN UTILITIES COMPANY
Denver, Colorado

Pro-Forma Balance Sheet

Giving effect to proposed purchase of Craig, Colorado, properties.

ASSETS AND OTHER DEBITS

<u>Utility Plant</u>		
Original Cost	369,960.93	
Utility Plant acquisition adjustment	<u>724.97</u>	
Total Utility Plant		370,685.90
<u>Investment and Fund Accounts</u>		
Cash Surrender Value of Life Insurance		4,304.08
<u>Current and Accrued Assests</u>		
Cash	28,955.20	
Notes receivable and accrued interest	150,590.00	
Accounts Receivable - Customers	10,536.04	
Material and Supplies	21,034.03	
Prepayments	<u>1,650.00</u>	
Total Current and Accrued Assets		<u>212,765.27</u>
TOTAL		587,755.25

LIABILITIES AND OTHER CREDITS

<u>Long term Debt</u>		
Notes Payable, due in five years at 4 1/2%		200,000.00
<u>Current and Accrued Liabilities</u>		
Customers' Deposits	2,387.97	
Taxes Accrued - Income	<u>7,446.16</u>	
Total Current and Accrued Liabilities		9,834.13
<u>Reserve for Depreciation</u>		104,345.36
<u>Capital Stock</u>		
Common	135,000.00	
<u>Surplus Earned</u>	<u>138,575.76</u>	
Total Capital		<u>273,575.76</u>
TOTAL		587,755.25

FINDINGS

After careful consideration of the evidence adduced and upon all the files, records and proceedings herein, the Commission is of the opinion, and finds, as follows:

1. That the Commission has jurisdiction over and with respect to the sale and transfer by The Rocky Mountain Gas Company and the purchase and acquisition by Western Utilities Company from The Rocky Mountain Gas Company of the aforesaid gas supply and distribution lines and system of said The Rocky Mountain Gas Company in and about the Town of Craig, Moffat County, Colorado.

2. That it is consistent with the public interest that The Rocky Mountain Gas Company sell and transfer to Western Utilities Company for the cash price of \$300,000.00 the aforesaid supply and distribution system, franchise, certificate of public convenience and necessity and other property and rights incident to the foregoing.

3. That it is consistent with the public interest that Western Utilities Company purchase and acquire from The Rocky Mountain Gas Company for a cash price of \$300,000.00 the aforesaid supply and distribution system, franchise, certificate of public convenience and necessity and other property and rights incident to the foregoing.

4. That the consideration set out as the price of the assets involved, viz. \$300,000.00, and the figure of \$369,960.93, shown as Utility Plant original cost shown in Exhibit 4, shall not be binding on this Commission in any valuation hearing held for the purpose of determining reasonable values or rates now or in the future.

5. That the public convenience and necessity does require and will require immediately upon acquisition by Western Utilities Company the operation of the aforesaid gas supply and distribution system and the exercise of the rights and privileges conferred by the aforesaid franchise and certificate of public convenience and necessity for the distribution of natural gas and artificial gas for the uses and purposes of which natural gas and artificial gas are applicable.

6. That the foregoing Statement is made a part of the Findings herein and by reference is incorporated in these Findings.

7. That the order sought should issue and should be made effective herewith.

O R D E R

THE COMMISSION ORDERS:

1. That the agreement dated November 10, 1950, between The Rocky Mountain Gas Company and Western Utilities Company providing for the sale and transfer by the former and the purchase and acquisition by the latter for the cash price of \$300,000.00 of the aforesaid gas supply and distribution system of The Rocky Mountain Gas Company in and about the Town of Craig, Moffat County, Colorado, and the aforesaid certificate of public convenience and necessity, authorizing the operation of said supply and distribution system and the exercise of the rights and privileges conferred by said franchise for the distribution and sale of natural gas and artificial gas, for the uses and purposes of which natural gas and artificial gas are applicable, and all other property and rights incident to the foregoing be, and the said agreement is, hereby approved.

2. That the sale and transfer by The Rocky Mountain Gas Company to Western Utilities Company of the aforesaid gas supply and distribution system, certificate of public convenience and necessity, franchise and other property and rights incident to the foregoing be, and the same are, hereby authorized and approved.

3. That the purchase and acquisition by Western Utilities Company from The Rocky Mountain Gas Company of the aforesaid gas supply and distribution system, certificate of public convenience and necessity, franchise and all other property and rights incident to the foregoing be, and the same are, hereby authorized and approved.

4. That the public convenience and necessity require that Western Utilities Company, upon completion of its purchase agreement with The Rocky Mountain Gas Company, acquire and operate the gas supply and distribution system in and about the Town of Craig, Moffat County, Colorado, and exercise the rights and privileges conferred by the franchise granted by the Town of Craig, Colorado, on November 25, 1931, under Ordinance No. 161 of said town, for the distribution of natural gas and artificial gas, for the uses and purposes of which natural gas and artificial gas, are applicable,

and the said Western Utilities Company is hereby authorized to operate said gas supply and distribution system and exercise the rights and privileges conferred by said franchise.

5. That the said certificate of public convenience and necessity, being Application No. 1997, Decision No. 4268, dated May 3, 1932, be and the same hereby is amended to show that the public convenience and necessity require the construction maintenance and operation by Western Utilities Company of the gas transmission and distribution lines and systems from the Thornburg Field located in Township 3 North, Range 91 West, Moffat County, Colorado, as well as from the Craig Dome Field located in the southeast corner of Section 9, Township 6 North, Range 91 West, Moffat County, Colorado, to the Town of Craig, Colorado, for the purpose of supplying natural gas for light, heat, power and other purposes to the inhabitants of the Town of Craig, and the exercise by Western Utilities Company of the franchise rights granted under the terms of the said ordinance passed by the Board of Trustees of the Town of Craig on November 25, 1931.

6. That the tariff of rates, rules and regulations of The Rocky Mountain Gas Company shall become and remain those of Western Utilities Company until changed according to law and the rules and regulations of this Commission.

7. That Western Utilities Company shall continue to set up and maintain its books and accounts in agreement with the Uniform Classification of Accounts and shall keep its practices as to testing consumers' deposits and operations, records of meters and complaints, in compliance with the Commission's requirements.

This Order shall be and hereby is effective immediately, provided, however, that if Western Utilities Company shall not within 60 days from the date hereof file with the Commission a certificate showing that it has duly acquired the said gas supply and distribution system in and about the Town of Craig, Colorado, the said certificate of public convenience and necessity, the said franchise and other property and rights incident thereto, then

this Order shall become null and void and all authority herein granted shall be forthwith cancelled and terminated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Holman
John R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 28th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAILWAY EXPRESS AGENCY, INC., DENVER)
UNION TERMINAL, DENVER, COLORADO, TO)
DISCONTINUE FREE PICKUP AND DELIVERY)
SERVICE IN CONNECTION WITH ITS LUPTON)
AGENCY AT FORT LUPTON, WELD COUNTY,)
COLORADO.)
-----)

APPLICATION NO. 10875.

November 30, 1950

S T A T E M E N T

By the Commission:

On November 1, 1950, the Railway Express Agency, Inc., by C. C. Case, its Superintendent, filed a petition under this Commission's General Order No. 35, requesting permission to discontinue free pickup and delivery service in connection with its Lupton agency at Fort Lupton, Weld County, Colorado.

Applicant states that over an extended period of time there has been a gradual diminishing of traffic at Fort Lupton, Colorado, and that during the past twelve (12) months, an average of only six (6) shipments per day were handled. Of the six (6) shipments, approximately four (4) were for local service and the other two (2) originated or were destined beyond local free delivery limits and were therefore picked up or delivered at the agency office.

Applicant has further stated that a small loss is incurred due to a fixed charge of \$13.00 each month to maintain free pickup and delivery service, and that the elimination of this service will almost make it possible to break even on cost of operation rather than operate at a loss.

Applicant does not desire to discontinue service altogether at Fort Lupton, Colorado, but states that if the above permission is granted, all shipments will be held at the Union Pacific passenger station at Fort Lupton, Colorado, and consignees notified by telephone

or postal card, after which traffic will be held until called for or other disposition made.

Since the station is immediately adjacent to the business section of the town and is easily accessible to the public, applicant does not believe that service to its patrons will be materially affected by this change.

Proper notice to the public of the discontinuance of this free pickup and delivery service by the Railway Express Agency, Inc., was posted in its office at Fort Lupton, Colorado, on November 1, 1950. No protests having been received by the Commission from anyone regarding the discontinuance of this service, the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

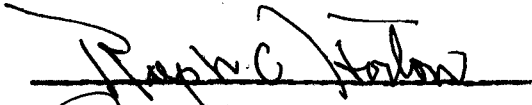
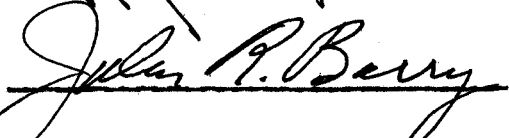

That the above Statement and Findings be made a part hereof.

That the Railway Express Agency, Inc., be, and it hereby is, authorized to discontinue free pickup and delivery service at its Lupton Agency in Fort Lupton, Weld County, Colorado, 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 of the State of Colorado.

That reference shall be made to the Decision and Order of the Commission in the schedules discontinuing said service.

That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAILWAY EXPRESS AGENCY, INC., DENVER)
UNION TERMINAL, DENVER, COLORADO, TO)
DISCONTINUE FREE PICKUP AND DELIVERY)
SERVICE AT LIMON, LINCOLN COUNTY,)
COLORADO.)
-----)

APPLICATION NO. 10874

November 30, 1950

S T A T E M E N T

By the Commission:

On November 1, 1950, the Railway Express Agency, Inc., by C. C. Case, its Superintendent, filed a petition under this Commission's General Order No. 35 requesting permission to discontinue free pickup and delivery service at Limon, Lincoln County, Colorado.

Applicant states that over an extended period of time, there has been a gradual diminishing of traffic at Limon, Colorado, and that during the past twelve (12) months, an average of ten (10) shipments per day were handled. Of the ten (10) shipments, approximately six (6) were for local delivery and the other four (4) originated or were destined beyond local free delivery limits and were therefore handled at the Agency office.

Applicant has further stated that due to the cost of free pickup and delivery service a small financial loss is thereby incurred; the elimination of this service will almost make it possible to break even on cost of operation, rather than to operate at a loss.

Applicant does not desire to discontinue service altogether at Limon, Colorado, but states that if the above permission is granted, all shipments will be held at the joint Union Pacific and Rock Island passenger station and consignees notified by telephone or postal card, after which traffic will be held until called for or other disposition made.

Since the station is immediately adjacent to the business section of the town and is easily accessible to the public, applicant does not believe that service to its patrons will be materially affected by this change.

Proper notice to the public of the discontinuance of this free pickup and delivery service by the Railway Express Agency, Inc., was posted in its office at Limon, Colorado, on November 1, 1950. No protests having been received by the Commission from anyone regarding the discontinuance of this service, the Commission determined to hear, and has heard, said matter forthwith without further notice upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

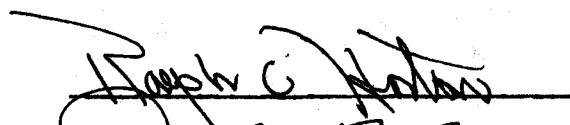
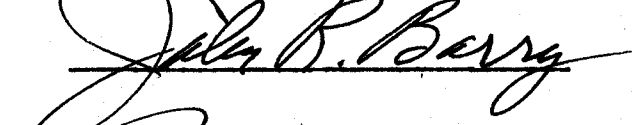
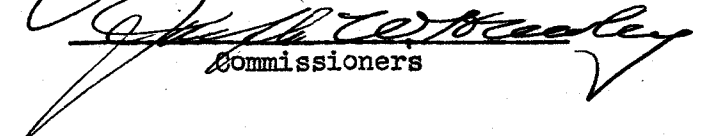
That the above Statement and Findings be made a part hereof.

That the Railway Express Agency, Inc., be, and it hereby is, authorized to discontinue free pickup and delivery service at Limon, Lincoln County, Colorado, 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 of the State of Colorado.

That reference shall be made to the Decision and Order of the Commission in the schedules discontinuing said service.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1950.

eh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAILWAY EXPRESS AGENCY, INC., DENVER)
UNION TERMINAL, DENVER, COLORADO, TO)
DISCONTINUE FREE PICKUP AND DELIVERY)
SERVICE IN BRUSH, MORGAN COUNTY,)
COLORADO.)
-----)

APPLICATION NO. 10873

November 30, 1950

S T A T E M E N T

By the Commission:

On November 1, 1950, the Railway Express Agency, Inc., by C. C. Case, its Superintendent, filed a petition under this Commission's General Order No. 35 requesting permission to discontinue free pickup and delivery service in connection with its agency at Brush, Morgan County, Colorado.

Applicant states that over an extended period of time, there has been a gradual diminishing of traffic at Brush, Colorado, and that during the past twelve (12) months, an average of only eleven (11) shipments per day were handled. Of the eleven (11) shipments, approximately six (6) were for local service and the other five (5) originated or were destined beyond local free delivery limits and were therefore handled at the office.

Applicant has further stated that a small loss is incurred due to a fixed minimum charge of \$35.00 each month to maintain free pickup and delivery service and that the elimination of this service will almost make it possible to break even on cost of operation rather than operate at a loss.

Applicant does not desire to discontinue service altogether at Brush, Colorado, but states that if the above permission is granted, all shipments will be held at the Chicago, Burlington & Quincy passenger station and consignees notified by telephone or postal card, after which traffic will be held until called for or other disposition made.

Since the station is immediately adjacent to the business section of the town and is easily accessible to the public, applicant does not believe that service to its patrons will be materially affected by this change.

Proper notice to the public of the discontinuance of this free pickup and delivery service by ~~the~~ Railway Express Agency, Inc., was posted at its office in Brush, Colorado, on November 1, 1950. No protests having been received by the Commission from anyone regarding the discontinuance of this service, the Commission determined to hear, and has heard, said matter forthwith without further notice upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

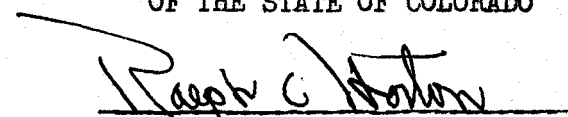
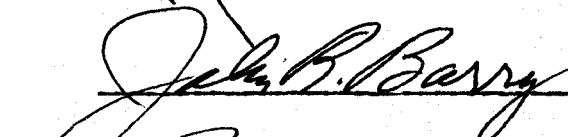
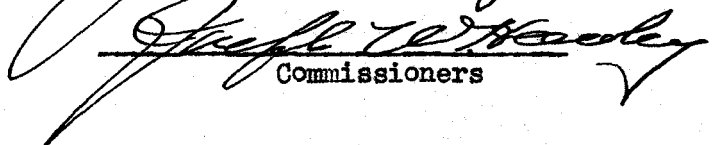
That the above Statement and Findings be made a part hereof.

That the Railway Express Agency, Inc., be, and it hereby is, authorized to discontinue free pickup and delivery service at Brush, Morgan County, Colorado, 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 of the State of Colorado.

That reference shall be made to the Decision and Order of the Commission in the schedules discontinuing said service.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1950.

eh

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY CONCERNING PASSEN-)
GER TRAIN SERVICE BETWEEN DENVER,)
COLORADO, PUEBLO, COLORADO, ALAMOSA,)
COLORADO, AND DENVER, COLORADO.)

APPLICATION NO. 10256

November 30, 1950

Appearances: T. A. White, Esq., Denver,
Colorado, and
Otis Gibson, Esq., Denver,
Colorado, for applicant;
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Raphael J. Moses, Esq., Alamosa,
Colorado, for the City of
Alamosa and Board of County
Commissioners of Alamosa
County;
John H. Galbreath, Durango,
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sioners of Archuleta County,
Archuleta County Chamber of
Commerce, and City of Pagosa
Springs;
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rado, for Board of County
Commissioners of La Plata
County, and Mt. Allison Grange,
Mt. Allison, Colorado;
Walter R. Kegel, Esq., Santa Fe,
New Mexico, for Board of County
Commissioners of Rio Arriba,
and Chama Valley Chamber of
Commerce;
A. M. Emigh, Esq., Durango, Colo-
rado, for School District No.
9, and La Plata County;
E. E. Hatfield, Esq., Durango,
Colorado, for City of Durango;
Leonard Haynie, Esq., Alamosa,
Colorado, for City of Alamosa;
Richard Anderson, La Jara, Colo-
rado, pro se;
Paul M. Hupp, Esq., Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

By Application No. 10256, filed September 28, 1949, The Denver and Rio Grande Western Railroad Company seeks authority to discontinue the operation of daily passenger trains between Alamosa and Antonito, Colorado, and between Juanita and Durango, Colorado, by discontinuing the operation of interstate passenger Trains Nos. 215 and 216 between Alamosa and Durango; to discontinue the operation of daily passenger Trains Nos. 15 and 16 between Denver and Pueblo, and to revise the schedule of daily passenger Trains Nos. 115 and 116 between Pueblo and Alamosa, Colorado, to provide daytime, instead of nighttime, operations.

Due notice of the filing of the application was given to all parties in interest, and many protests were filed with the Commission, many of the protestants being represented at the hearing.

Hearing was held at the Court House, in Durango, Colorado, on January 17, 18, and 19, 1950, and at the Court House in Alamosa, Colorado, on January 20 and 21, 1950, and on the latter date, when the hearing was closed, the matter was taken under advisement by the Commission.

Briefs have been filed on behalf of all parties represented at the hearing, and the same have been carefully considered by the Commission.

Seventy-two exhibits were offered in evidence. It is not considered necessary to list them in detail.

H. F. Eno, Passenger Traffic Manager of applicant railroad, identified and testified from Exhibits Nos. 1 to 52, inclusive, and, generally, as follows:

TRAINS NOS. 15 and 16

These trains operate between Denver and Pueblo, a distance of 119 miles. They have operated over the present route twelve to fourteen years. Formerly, they operated between Denver and Grand Junction, the service being gradually curtailed because of highway competition and the completion of the Dotsero Cut-off.

There are seven railroad passenger trains southbound over this route: D. and R. G. W. Nos. 1, 3, and 15; A. T. and S. F.-C. and S. Nos. 21, 27, 101, and 141. The timetables of Nos. 27 and 141 correspond closely with that of No. 15. There is passenger air service, Denver to Pueblo, with 8 flights daily, one flight permitting evening departure out of Denver after business hours, as does Train No. 15. The current timetable of the Denver-Colorado Springs-Pueblo Motorway, Inc., shows a total of 11 schedules daily, Denver to Pueblo, and intermediate points, two of them bracketing the time of Train No. 15 and the running time being approximately the same. In all, there are 26 common carrier passenger schedules from Denver to Pueblo daily. Northbound, Pueblo to Denver, the daily schedules of the same carriers furnish service comparable with, or better than, that furnished by Train No. 16.

U. S. Highway No. 85-87, a hard-surfaced, all-year highway, the main north-south highway through Colorado, runs between the two points. The bus schedules operate over this highway.

Exhibit No. 8 shows the number of intrastate passengers handled on Train No. 15, Denver to Pueblo, from September 1, 1949, to December 31, 1949 (including passengers carried from point to point at intermediate stops). On 102 trips, there were 291 first-class passengers and 1328 coach passengers, an average of 2.853 first-class and 13.314 coach passengers, or 16.167 revenue passengers per trip. Of these, 849 were destined to Alamosa by Train No. 115, and 32, an average of .32 per day, to points beyond Alamosa by Train No. 215. On Train No. 16, a total of 1642 revenue passengers, intrastate, were carried, or an average of 16.098 per trip. Of these, 1055 originated at Alamosa or points between Alamosa and Pueblo, and 231 (an average of approximately 2.31 per day) originated at points south or west of Alamosa.

Exhibit No. 10 shows the average number of revenue passengers, intrastate, per train-mile and per trip for the two trains for the same period as follows:

	Train No. 15 Denver to Pueblo	Train No. 16 Pueblo to Denver	Total
Revenue Passengers	1,649	1,642	3,291
Passenger Miles	174,782	173,291	348,073
Train Miles	12,138	12,138	24,276
Average passengers per train mile	14.40	14.28	14.34
Number trips	102	102	204
Average passenger per trip	16.17	16.10	16.13

For the full year of 1948, Train No. 15 carried an average of 26 revenue passengers, interstate and intrastate, per trip, and in 1949 carried 18 such passengers, while Train No. 16 carried an average of 29 in 1948 and 23 in 1949 (Exhibit No. 11).

Each of these trains carries a coach and a Pullman, with a capacity of 50 and 25 passengers, respectively, and in the opinion of Witness Eno, assuming that the head-end traffic remains fairly constant, both cars must be filled to capacity on both trains on all trips to permit the railroad to break even on the passenger operation. And if the two trains are discontinued, the C. and S. and Santa Fe could easily handle all the passengers on comparable schedules, as their trains are not operated at anywhere near their capacity.

TRAINS NOS. 115 and 116

These trains operate between Pueblo and Alamosa, a distance of 133 miles, being the middle segment of the present through operation between Denver and Durango.

Applicant proposes to re-schedule a train each day in each direction between Pueblo and Alamosa, to operate in the daytime and connect at Pueblo with its existing Trains Nos. 1 and 2, offering through train service between Denver and Ogden, Utah. The operation of the proposed train would reduce the out-of-pocket loss of applicant and would permit direct connection at Denver and Pueblo with streamlined high-class service to and from the East, which is not available at present without a long lay-over at either Pueblo or Denver. It will permit of 24 to 26-hour through service from Chicago to Alamosa and vice versa.

Other passenger service available, Pueblo to Alamosa, consists of two through schedules each way operated by the Denver-Colorado Springs-Pueblo Motorway, Inc., two daily flights of Monarch (now Frontier) Airlines, and one through schedule of the Continental Bus System. Additional service between Pueblo and Walsenburg (an intermediate point) consists of two schedules of the Colorado and Southern, and two schedules of the Denver-Colorado Springs-Pueblo Motorway, Inc. From Alamosa to Denver, there are four schedules of the Denver-Colorado Springs-Pueblo Motorway, Inc., one of the Continental Bus System, and two flights of Frontier Airlines.

U. S. Highway No. 85-87 extends from Pueblo to Walsenburg, and U. S. Highway No. 160 from Walsenburg to Alamosa, the latter also being an all-year, improved, hard-surfaced highway.

During the period September 21, 1949, to December 31, 1949, Train No. 115 carried 1628 intrastate revenue passengers from Pueblo to Alamosa, or between intermediate points, or an average of 15.961 revenue passengers per trip for 102 trips. Eight hundred forty-nine of the passengers were delivered to Train No. 115 by Train No. 15 at Pueblo for movement from point to point, Pueblo to Alamosa, inclusive, but not beyond Alamosa by rail. Four hundred nineteen passengers were handled from Pueblo, or originated at a point south of Pueblo, but short of Alamosa, intrastate. On Train No. 116, the average number of passengers per trip was 16.951. For the Years 1948 and 1949, inclusive, Train No. 115 averaged 14.63 passengers per train-mile, and 15.96 passengers per trip, intrastate and interstate, while Train No. 116 carried an average of 15.24 passengers per train-mile and 16.95 passengers per trip. A consolidation shows an average of 14.94 passengers per train-mile, and 16.46 passengers per trip. With the same equipment as Trains Nos. 15 and 16, these trains, Nos. 115 and 116, would have to be filled to capacity each trip both ways to make of the run a paying proposition.

TRAINS NOS. 215 and 216

These trains operate over a three-rail system from Alamosa to Antonito, and narrow gauge from Antonito to Durango, a distance of 200

miles. Antonito is 29 miles south of Alamosa, and the narrow gauge crosses the Colorado-New Mexico State Line 7.84 miles south of Antonito and meanders across the State Line about twelve times between this point and the point where it finally returns into Colorado at Juanita, 68 $\frac{1}{2}$ miles east of Durango.

U. S. Highway No. 285, a paved all-year highway, extends from Alamosa to Antonito, with daily bus service each way by the Abiquiu-Antonito Bus Line. West from Alamosa, U. S. Highway No. 160 runs through South Fork and Pagosa Springs to Durango. An alternate route, U. S. Highway No. 285, runs from Denver via South Park, Buena Vista, Salida, and the San Luis Valley to Monte Vista, where it connects with U. S. Highway No. 160 to Durango. There is a daily Continental Bus Service each way over this alternate route, Denver to Durango, with a stub connection from Durango to Alamosa operated both ways daily. Frontier Airlines has two flights daily, Denver to Durango. The railroad mileage, Denver to Durango, is 452 miles, the highway mileage via U. S. Highways Nos. 285 and 160, is 392 miles, and the highway mileage via U. S. Highways Nos. 285 and 160, 362 miles. Of these two trains, Mr. Eno testified:

"Trains 215 and 216 are old stand-bys that have been operated as far back as anyone can remember. I suspect they have been operated since the railroad was completed in 1881 into Durango. They formerly handled a rather substantial volume of business before the time that the Federal Government and State Government went into competition with the railroad by providing a vast network of improved highways all over the U. S. But as other transportation improved, patronage of these trains has steadily declined over the years and has reached the point to where it's practically non-existent. The trains have operated on somewhat the same schedule as they operate now as far back as my memory serves."

This segment is an especially good narrow gauge railroad, laid with unusually heavy rails, well maintained, ballasted in most areas, and in excellent condition. The passenger equipment was modernized in 1937 at a cost of \$79,526.00. Two modernized coaches are available for each train. At the time of the modernization the trains, combined, earned 25¢ per train-mile in passenger revenue; in the following year it dropped to 19¢; in 1939 it dropped to 13.5¢, and in 1940, to 13¢ per train-mile.

The following war years showed a slight increase.

The population of the twelve towns in Colorado served by the two trains is approximately 15,442 (including Alamosa and Durango). The average population of the four counties traversed -- Alamosa, Archuleta, Conejos and La Plata -- is 7.4 persons per square mile, as compared with an average for the State of Colorado of 11.3 persons, and for the United States, of 44.2 persons. Passenger car registrations in the eleven counties traversed by Trains Nos. 15, 16, 115, 116, 215, and 216 largely increased in recent years. From 1920 to 1948, the number of passenger vehicles in proportion to population has increased steadily from 7.17 persons per vehicle in 1920 to 2.35 persons per vehicle in 1948, so there is now one passenger vehicle per average family. The private automobile is the primary competition of railroad passenger service, and is now handling an estimated 90% of the inter-city travel in the United States, while in 1916 the railroads handled 98% of such travel. At the present time, the buses and the rails compete for less than 10% of this transportation. In 1948, the annual average number of passenger cars by actual count per 24-hour day was as follows:

Between Denver and Colorado Springs	3725
" Colorado Springs and Pueblo	2925
" Pueblo and Walsenburg	2200
" Walsenburg and Alamosa	650
" Alamosa and Antonito	1025
" Antonito and Durango	600.

During the period September 10, 1949, to September 30, 1949, Train No. 215 carried 6 local passengers per trip, Alamosa to Antonito; 5.4 passengers per trip in October, 5.6 passengers per trip in November, and 4.1 passengers per trip in December, or an over-all average of 5.2 passengers per trip. On the reverse movement by Train No. 216, the over-all average for the same period was 3.45 passengers per trip.

Exhibit No. 33 shows the number of revenue passengers, intra-state, arriving in Alamosa by Train No. 115, and using Train 215 out of Alamosa, for points south, to and including Antonito. The average number of passengers per trip, September 13 to September 30, was 1.50; in October, 1.81; in November, 1.36; and in December, 2.35. On the reverse trip, the average was 1.18 in September; 1.35 in October; 1.07 in November;

and 2,097 in December. For the same period, 111 trips were made between Juanita and Durango by Train No. 215. A total of 849 intrastate passengers were carried for an average of 7.648 revenue passengers per trip. By Train No. 216, between the same points, there were 112 trips, and a total of 926 passengers were carried, for an average of 8.268 passengers per trip. The average passengers per train-mile on Trains Nos. 215 and 216 between Alamosa and Antonito was 2.4; the average passengers per trip, 4.249. The average passengers per train-mile on Trains Nos. 215 and 216, Juanita to Durango, was 2.80; the average passengers per trip, 7.958. This would indicate the short-haul traffic on the latter segment.

Mr. Eno identified Exhibit No. 72, showing the total revenue passengers, carried on Trains Nos. 215 and 216 in 1948 and 1949. The figures on Train No. 215, Alamosa to Durango, are as follows:

1948 -- Average passengers per month, 1291; average passengers per trip, 44
1949 -- Average passengers per month, 1147; average passengers per trip, 38

For Train No. 116, the figures are as follows:

1948 -- Average passengers per month, 1415; average passengers per trip, 48
1949 -- Average passengers per month, 1141; average passengers per trip, 38

This exhibit shows both intrastate and interstate passengers, and is broken down into months. It will be noted that the average number of passengers per trip in 1949 was from 6 to 10 less than in 1948. A larger number of passengers was handled than on the other four trains involved in the hearing, yet the passenger revenue per train-mile for Trains Nos. 215 and 216 was a great deal less than for the other four trains. To determine why such a comparatively large number of passengers produced such a scant revenue per train-mile, Mr. Eno broke down, as an example, the figures for the Month of October, 1949:

1,003 passengers on Train No. 215 produced an average of 32.4 passengers per trip. Of this number, 3.1 passengers per trip were carried the entire distance, Alamosa to Durango, but 18.2 passengers per trip rode 40 miles or less. The remaining 11.1 passengers traveled over 40 miles, but less than the entire distance. For the same month, Train No. 216 carried 908 passengers, an average of 31.6 passengers per trip. Of this

number, only 1.5 passengers made the entire trip; 17.6 passengers traveled 40 miles or less, and 10.3 passengers traveled over 40 miles, but less than the entire distance.

The two trains carried a total of 23,718 passengers during the first ten months of 1949, the total passenger revenue being \$29,417, or an average return of \$1.24 per passenger. This is approximately 25% of the rate between Alamosa and Durango, showing that the average trip of all passengers using these trains was approximately 50 miles, or one-fourth of the distance the train traveled. On this basis, Mr. Eno stated that it would take 107 additional passengers per trip, or 215 per day, to permit of the trains breaking even, which would require adding additional passenger cars which would increase costs, which, in turn, would require additional passengers to off-set the increased cost. Before this breakdown, he had estimated that, assuming that the head-end business remained fairly constant, there would have to be 55 additional passengers per day, 365 days per year, to make these trains break even, and the tourist season, which furnishes most of the passengers, lasts only during June, July, and August. The evidence would indicate that these two trains operate largely in a street-car or commuter service, for the benefit largely of passengers residing south of the Colorado-New Mexico State Line.

The witness explained in detail the efforts of applicant to increase the use of these trains by advertising and otherwise (Exhibits 30 to 43, inclusive). Reduced rates have been offered without any increase in passenger business. As early as 1935, an investment of \$37,000 was made in property rights in Mesa Verde National Park, but these rights have been disposed of as more than 98% of all visitors to the National Parks of the United States now use private automobiles.

The mail revenue is 25% higher than in the Year 1920, but costs have doubled. The express business has steadily declined because of rates increased far above the parcel post rates. Approximately the same number of passengers is carried as were carried 20 years ago, but at double the expense.

Mr. Eno furnished a comparison of average passenger revenue per train-mile of the three sets of trains in question, with the Denver and Rio Grande system average. For the first ten months of 1949, the average passenger revenue per train-mile on Trains Nos. 15 and 16 was 52¢; on Trains Nos. 115 and 116, 52.5¢, and on Trains Nos. 215 and 216, 24¢, as compared with a system average of \$1.39. There has been a constant decline in intrastate passenger revenue, 1936 through 1941. The passenger revenue of the system accounts for only 4.4% of the gross revenue.

Referring to the abandonment of branch lines generally, the witness testified as follows:

"Q. Would the abandonment of passenger service on this line have a tendency to further a desire and the culmination of abandonment of this road?

"A. In my judgment, and my personal opinion, the abandonment of passenger service would strengthen the situation on the railroad as a whole, in that it would remove a substantial loss that the railroad is now having to carry."

L. F. WILSON, General Manager of applicant railroad, identified Exhibit No. 53, being an itemized statement of the revenue, expenses, and net earnings of Trains Nos. 15 and 16 for the Years 1947, 1948, and the first ten months of the Year 1949. For the Year 1947, the two trains were operated at a net loss of \$77,357.00, the total revenue per passenger train-mile being \$2.15; the out-of-pocket expense \$3.04, leaving a deficit of .89¢ per passenger train-mile. For 1948, the net loss was \$93,736.00; the total revenue per passenger train-mile was \$2.19, the out-of-pocket expense \$3.27, leaving a deficit of \$1.08 per passenger train-mile. For the first ten months of 1949, the net loss was \$89,988.00; the total revenue per passenger train-mile \$1.90, the out-of-pocket expense \$3.14, leaving a deficit of \$1.24 per passenger train-mile.

Witness also identified Exhibit No. 54, a similar itemized statement of revenue, expenses, and net earnings of Trains Nos. 115 and 116, for the same period. For 1947, the net loss was \$71,244.00; the total revenue per passenger train-mile was \$2.09, the out-of-pocket expense

\$2.87, leaving a deficit of \$.78 per passenger train-mile. For 1948, the net loss was \$90,333; the total revenue per passenger train-mile was \$2.12, the out-of-pocket expense \$3.10, leaving a deficit of \$.98 per passenger train-mile. For the first ten months of the Year 1949, the net loss was \$98,607.00, the total revenue per passenger train-mile was \$1.88, the out-of-pocket expense \$3.15, leaving a deficit of \$1.27 per passenger train mile.

In this connection, Mr. Wilson produced a statement of estimated revenue, expenses, and net earnings of these two trains, based on the proposed daylight schedule. He estimates a net loss over a ten-month period of \$87,972.00, which would reduce the loss to the company for the operation of the two trains by \$10,635.00.

Exhibit No. 56 is a similar statement of revenue, expenses, and net earnings of Trains Nos. 215 and 216 for the same period covered by Exhibits Nos. 53 and 54. This covers both interstate and intrastate passenger business. For the Year 1947, the net loss was \$73,958.00, the total revenue per passenger train-mile was \$.78, the out-of-pocket expense \$1.28, leaving a deficit of \$.50 per passenger train-mile. For 1948, the net loss was \$94,236.00, the total revenue per passenger train-mile was \$.79, the out-of-pocket expense \$1.46, leaving a deficit of \$.67 per passenger train-mile. For the first ten months of 1949, the net loss was \$93,264.00, the total revenue per passenger train-mile \$.73, out-of-pocket expense \$1.51, leaving a deficit of \$.78 per passenger train-mile.

Mr. Wilson also furnished additional information (Exhibit No. 57), with respect to revenue, expenses, and earnings of Trains Nos. 215 and 216 in the State of Colorado, only. The earnings include Colorado interstate and intrastate traffic on a mileage pro rata basis, and all other data on a similar basis. These trains operate over 130.35 miles in Colorado, and 69.46 miles in New Mexico, or 65.24% in Colorado and 34.76% in New Mexico. On this basis, the net loss on the operation of the two trains was as follows: 1947, \$48,425; 1948, \$58,123, and the first ten months of 1949, \$56,081. The deficit per passenger train-mile was 51¢ in 1947, 63¢ in 1948, and 71¢ in 1949.

Exhibit No. 58 is a consolidated statement of revenues, expenses, and net earnings of the six trains involved in this hearing, and shows a net loss for 1947 of \$222,559; for 1948, \$278,305; and the first ten months of 1949, \$281,859. The deficit per passenger train-mile was 68¢ in 1947, 87¢ in 1948, and \$1.05 in 1949.

L. G. MC CALL, Statistician in the Accounting Department of applicant railroad, identified Exhibit No. 61, being a statement of revenues, expenses, and net earnings of the Durango-Alamosa Line, excluding Alamosa, for the Year 1948. This covers both freight and passenger revenue and expense, mail, express, and other revenue. The statement shows a loss of \$48,071. Reflecting present freight rates and wage rate levels, it would show a loss of \$89,795.

A. E. PERLMAN, General Manager of applicant railroad, testified that the Rio Grande system as a whole is now losing four million dollars per year on its passenger business, and freight rates must be adjusted to cover this loss. The company is trying to prevent the abandonment of the entire line by cutting off the unprofitable portion of the line. If the passenger service on the trains herein involved is abandoned, he feels that applicant could break even on out-of-pocket expenses, and hold the line intact for freight service for the community.

J. H. TANNER, Manager of mail, baggage and express traffic of applicant railroad, testified as to efforts he had made to obtain an increase in the amount allowed by the U. S. Post Office Department for the transportation of mail upon the trains involved. It has been suggested by the Department that the amount might be increased by approximately \$20,000 per year in order to save the passenger business of these trains, but no definite commitment has been received.

G. O. ELLIOTT, Assistant Traffic Manager of Continental Bus System's Rocky Mountain Lines, testified that the company operates bus service from Denver to Alamosa, Denver to Durango, and Alamosa to Durango, and on west to Salt Lake City, Utah, via Grand Junction. He furnished a statement (Exhibit No. 64), showing the number of tickets sold from July, 1949, to December, 1949, inclusive. From Denver to

Durango, there was an average of $6\frac{1}{3}$ passengers per day; in August, an average of 9 passengers; in September, an average of $5\frac{1}{6}$ passengers; in October, 4 passengers; in November, an average of 2.8 passengers; and in December, an average of $4\frac{1}{6}$ passengers. On the reverse movement, the average number of daily passengers in July was 5, in August, 7, in September, 4, in October $3\frac{2}{3}$, in November, 3, and in December, 4. Between Alamosa and Durango, the average was between two and three passengers per day.

PROTESTANTS' CASE

The testimony on the part of protestants includes data as to express, parcel post and freight business, in addition to passenger traffic. We are eliminating testimony as to the operation of the Durango-Silverton Branch, as it is not involved in the hearing.

JACKSON CLARK, President of Jackson Hardware, Inc., at Durango, formerly shipped in large amounts of wire products, bar steel, and other steel products from Pueblo, using the freight service of applicant until early in 1949. The time required was from ten days to three weeks. Wholesalers in Albuquerque and Denver then began delivering merchandise at rates less than the rail rates, and witness purchased a delivery truck and a heavy semi-trailer to haul his merchandise direct from Pueblo, and can now furnish his customers with three-day deliveries. He directs all shipments not of an emergency nature or l.c.l., to be made by rail, and receives many carload lots by rail from the East.

ED CORY, President and General Manager of Durango Ice and Produce Company, ships in cream on Train No. 215 from Chama, Lumberton, Ignacio, Oxford, and Allison, and butter and eggs from Durango to Monero, Lumberton, and Chama. These are express shipments and there is no common carrier service other than the railroad. A very small percentage of these shipments is to or from points in Colorado. He ships by other common carriers to Pagosa Springs, Bayfield, Mancos, and Silverton, could use his own pickup truck for delivery, and could pick up his cream at Allison and nearby points, and transport it to Durango.

MALCOLM DAYTON operates the Peterson Funeral Home, and an

ambulance in connection therewith, at Durango, serving the entire San Juan Basin and as far south as Chama, New Mexico. He has handled funerals at Ignacio, Tiffany, Allison, Arboles, Chama, Rosa, and Dulce. He handles the bodies in his own funeral coach, except from Chama and Allison, from which points railroad service is necessary. He also meets patients from these points requiring ambulance service from the station at Durango and arriving by rail. Five of such cases have been handled in the past year. He also ships caskets and other funeral supplies by rail to Chama and neighboring points, and has had six to eight funerals in the past year involving transportation to or from one of the points above named. Some of the caskets are shipped by freight, but most of the time by express. He regularly serves all the Colorado points with his own ambulance and undertaking car, and could serve the New Mexico points in the same way the greater part of the year, although the cost would be almost prohibitive. His ambulance can travel over any road that can be traveled by auto..

RAY CALLOWAY, Funeral Director of the Hood Mortuary at Durango, gave testimony similar to that of Mr. Dayton. The last body shipped to his firm from a New Mexico point was shipped from Chama in January, 1949 -- about a year prior to this hearing -- and he has handled three to four ambulance cases a year from the Chama territory.

MANUEL MONTOYA, of Tierra Amarilla, New Mexico, testified that his wife had been under the care of a doctor in Durango, and has been asked to return to Durango for a check-up after New Year's Day, 1950. He arrived at Chama on January 8, the date when Service Order No. 845 of the Interstate Commerce Commission became effective, and finally had to bring his wife to Durango in a truck. There is a doctor at Chama, but no hospital.

IRVIN MERGELMAN, Cashier of the Burns National Bank at Durango, often has occasion to transfer funds by mail to the Jicarilla-Apache Indian Agency at Dulce, and also to ship coins by express to the Federal Reserve Bank at Denver.

GUY HOBGOOD, Superintendent of the Indian Agency at Dulce,

gave the population of Dulce as 250, and of the trade territory as 1500, including Indians. The roads between Dulce and supply points are all bad, and there is no means of transportation other than by rail.

EMMETT HOTT, of Tiffany, County Commissioner of La Plata County, Colorado, is a farmer and rancher, and the Cashier of the Tiffany Bank. Tiffany is eleven miles from Ignacio, and a good deal of money is now being spent on improvement of the highway between Ignacio and Durango. Generally, the roads in his vicinity are bad, although a mail truck operates over them. There is no other common carrier operating in the vicinity, and witness drove into Durango for the hearing in one and one-half hours, which is above the average required, as the roads were slick.

H. R. JONES, operates the New York Bakery at Durango, and ships quantities of bread and pastries by express to Allison, Arboles, and Pagosa Springs. He delivers to his customers who do not live on the railroad by his own truck.

KENNETH LIVELY, Agent of the Continental Oil Company at Chama, and also in the radio and electrical business there, and Secretary of the Chamber of Commerce, testified as to the population of the various New Mexico points, concerning which evidence had been given. He also stated that there is a bus service between Chama and Tierra Amarilla.

MAX READ, a livestock grower at Lamberton, also Post Master and theater operator, emphasized the poor condition of the roads, which are impassable in the winter-time, and "bad" the balance of the time. However, mail is delivered by truck from Pagosa Springs.

RICHARD GALLAVAN, in the wholesale produce business at Durango, ships in fresh fruit and vegetables from Allison, Arboles, Pagosa Springs, Lamberton, and Dulce, by express. He receives fresh oysters from the East by express. He ships out by Rio Grande Motorway to Pagosa Springs, and thence to Ignacio and Bayfield by the Ignacio Truck Line. Most of his incoming produce, from 15 to 50 tons per week, is shipped from Phoenix, Arizona, by truck line operated by J. E. Arthur & Son. He has customers at Lamberton who buy from \$150 to \$300 worth of produce per month, and since the effective date of Service Order No. 845 of the I. C. C., these

customers have driven into Durango for their supplies.

J. R. SCHULTZ, Agent of the Railway Express Agency at Durango, stated that his records show a decrease in business of 13.69% from the first six-day period in 1949 to the similar period in 1950, and a decrease of 18% between December, 1948, and December, 1949. The decrease is due to increased wages and a shorter-hour-week, which has resulted in a raise in express rates and driven the business to parcel post. The average number of express shipments per day during the first few days of January, 1950, was 20. Since January 8 -- the date of the Service Order referred to -- the company has been operating under an emergency service, three times per week, by Rio Grande Motorway but said company cannot handle packages of a high value and the express company has been forced to refuse service to points not served by Motorway.

FRED V. KROEGER, of the Farmers' Supply Company of Durango, handles feed, seed, fertilizer, farm supplies, and baby chicks. He has a standing order for 35,000 baby chicks, and will probably handle 10,000 more, the season beginning about February 1. These cannot be handled by truck or air, and the rail service is not satisfactory.

A. M. CAMP, President of the First National Bank of Durango, testified, generally, as to the present and potential development of agriculture and other local activities, and particularly as to the development of oil resources, and of the Dove Creek Bean Center. He thought that if the passenger service were discontinued, it would be detrimental to the territory, and would definitely hinder progress. There had been an important increase in the tourist business in the past two years, judging from the number of Travelers' Checks cashed at the bank, and the territory has enjoyed a substantial growth of substantial people. New homes have been built by Texans, who probably drive in in their own cars. The railroad has advertised well and given good service. The roads are good from Durango to Ignacio, Ignacio to Allison and Tiffany, and from those points to Arboles, but poor between Arboles and Chama. He admitted that the freight service furnished by applicant railroad was more important than the passenger traffic.

E. M. HAMPTON, Manager of a banking office at Chama, and in the lumber and livestock business, testified as to the development of the oil and lumber business in his vicinity, naming several shippers. He ships in his own currency and coins from the First National Bank at Denver, the currency by insured registered mail, and the coins by express.

CARLOS MANZANARES, of Tierra Amarilla, Patrol Supervisor of Highways in Rio Arriba and Santa Fe Counties, New Mexico, stated there is no highway between Dulce, New Mexico, and Juanita, Colorado, and the only available road from his home to Durango was by way of Chromo, thence to Pagosa Springs and Durango. Every day people drive from Chama to Pagosa Springs by this road. Most of the other roads are poor, and his only equipment for use in keeping them clear in bad weather consists of two old-fashioned blade plows pushed ahead of a truck. There are two dentists and two doctors in his home town.

A. F. LYONS, Conductor on the Silverton Branch of the railroad, stated that at times there was not sufficient equipment at Chama to handle the freight business available.

J. FELIX GOMEZ, Post Master, merchant, and stock raiser at Pagosa Junction, thirty miles by dirt road from Pagosa Springs, testified as to the bad condition of the roads, and that the abandonment of railroad passenger service would be disastrous in time of sickness. However, there is a doctor and a dentist at Pagosa Springs.

JEANNE BARRETT, operating a general store at Arboles, stated that some of her customers come to the store and return to their homes by train. She received her merchandise partly by truck, but mostly by express and parcel post, while most of her neighbors receive their orders by express. The road to Pagosa Springs is passable most of the year, but in case of abandonment of railroad passenger service, some of the neighbors would have to depend for their transportation upon those who own private automobiles.

E. P. NATIONS, a storekeeper at Farmington, and agent for the Southern Union Gas Company, stated that carload shipments by rail in 1949 amounted to \$96,894.81.

GLEN SKEWES, Manager of the Durango Chamber of Commerce, testified that from 1940 to 1949 the population of Durango increased from 5,800 to 10,500, and of La Plata County, from 15,490 to 22,900. He testified:

"Within the past few years the people have had a lot of money with which to buy automobiles. They have waited a number of years in order to purchase those automobiles, and I can't imagine a family purchasing a new automobile that would leave it in their garage and take a trip by rail or plane."

BURT C. BLANTON, M. E., Consulting Industrial Engineer and Business Economist of Dallas, Texas, identified Exhibit No. 65, entitled, "Agricultural, Financial, Commercial, Industrial and Economic Survey of the City of Durango and La Plata County, Colorado, as of October 1, 1949." This is a most elaborate and detailed exposition of the wealth and development of the territory, consisting of 185 pages, replete with graphs, charts, and maps, and was prepared at the request of the Southern Union Gas Company, which recently purchased the gas utility at Durango. It is a most enlightening argument for the need of continued freight service by the applicant railroad, but shows no need for continued passenger service. The question of passenger transportation is briefly disposed of by the following statement:

"The City is served by two railroad systems, namely: The Denver and Rio Grande Western Railroad from Durango to Alamosa, Colorado; from Durango to Silverton, Colorado; and, from Durango to Farmington, New Mexico; and the Rio Grande Southern Railroad from Durango to Ridgeway, Colorado,"

without stating that there was no such service by the latter at the time of his survey and without mentioning the fact that the service of applicant railroad was a narrow gauge service, and service between Durango and Farmington had been discontinued. As a prospectus for the sale of stock by his employer, the exhibit is a masterpiece, but from a factual standpoint, it is sadly lacking. The witness had not contacted the officials of applicant railroad; and could give no information as to bus service or schedules; could not explain why the growth of the area in recent years had not increased passenger traffic; and had made no study of the proportion

of the residents driving private automobiles. The exhibit does state: "Durango has a complement of requisite and efficient transportation facilities which are adequate and dependable in relation to the further growth and development of commerce and industry in the city and environs." Yet, he maintains that "the elimination of passenger train service would be detrimental to Durango's future industrial development and expansion, resulting in economical decline, as a city without railroad service has a limited future, and within a decade, Durango will be reduced to the status of a small inland town." He could cite no instances where this result had obtained. While he thought that Durango should "inaugurate an extensive program to insure the maintenance of the passenger train service," he had no idea how such service could be improved by the addition of even one passenger per day.

T. D. BURNS, a livestock grower at Tierra Amarilla, with an interest in the Durango bank, ships sheep and cattle from Chama and wool from Lobato Spur, to Alamosa. In 1949, he shipped 23 carloads of sheep, 5 cars of cattle and 6 cars of wool.

MIGUEL GONZALES, in the livestock business at Abiquiu, New Mexico, ships from Chama to Alamosa, and in 1949, shipped 18,000 pounds of wool, 230 head of cattle, and 1200 lambs, or a total of 24 narrow gauge carloads.

SAM T. TAYLOR, of Walsenburg, Colorado, State Senator for the Fourteenth Senatorial District, lawyer and coal operator, stressed the lack of coking coal in Colorado, and stated that the largest deposit of this coal in the United States is in the San Juan Basin, undeveloped, and can be transported only by rail.

EDWARD SARGENT, a livestock grower, operating both in Colorado and New Mexico, ships from Chama and Aztec, New Mexico to Alamosa, and loads some stock at Antonito. In 1945, he shipped 226 cars of sheep, cattle, and wool; in 1946, 151 cars; in 1947, 124 cars; in 1948, 186 cars; and in 1949, 70 cars, all from New Mexico, and 5 cars of wool from Antonito.

JOHN DAVENPORT, Director of Frank Bond & Sons, Inc., of

Albuquerque, resides at Espanola, New Mexico. His company is engaged in the livestock business, and in 1949 shipped by rail 64,603 lambs, 2100 ewes, 500 head of cattle, and 700,000 pounds of wool.

GEORGE HUBBARD, City Manager of Durango, testified that the city would have difficulty in marketing bonds if deprived of rail passenger service.

TOM KIMBALL, State Senator from the 19th Senatorial District, comprising San Juan, Archuleta, Montezuma and La Plata Counties, former Mayor of Durango, is now Manager of the Durango Coca Cola Bottling Company. He handles CO₂ gas, and Budweiser Beer, with an investment of \$185,000.00. He stated he ships in his merchandise by rail. He knows of no efforts of applicant railroad to obtain new passenger business, and sees a public need for the continued operation of Trains Nos. 215 and 216.

George Lorton, of Alamosa, a real estate dealer and former undertaker, testified that the Rio Grande System has no more productive territory than the San Juan Basin and San Luis Valley, and that the good will of 100,000 people is worth more than the annual loss of a company in the operation of its passenger trains. However, the development of the highways has brought the development of private automobiles and buses, and the fact that a person can drive his own car from Alamosa to Durango in three and one-half hours over a good highway, compared to the riding time of nine and one-half hours by rail, has resulted more than any other factor in the loss of passenger patronage on the narrow gauge trains. He also thought that the general public should absorb the greater part of the heavy taxes of the railroad, if continued service is expected.

KENNETH CARROLL, of Alamosa, Rainbo bread distributor, serves the entire territory traversed by the railroad. He has served Chama, Monero, Lumberton and Dulce by rail, but now delivers the bread in his own truck over roads that are "pretty good." When serving the territory by rail, he shipped his products by express.

R. W. RICHARDSON, Manager of the Narrow Gauge Motel at Alamosa, had advertised the rail service, and every month had patrons who came to

Alamosa for the sole purpose of taking the scenic trip to Durango, as it is the only trip of its kind in the world.

Referring specifically to Trains Nos. 15, 16, 115 and 116, Robert L. Frink, Secretary of the Frink Creamery Company, of Denver, testified that his company operates a creamery at Sanford, Colorado, two miles east of La Jara, from which it ships its products by Trains Nos. 116 and 16 to Walsenburg, Pueblo, Colorado Springs, and Denver, and to Albuquerque and Las Vegas, New Mexico, by way of Pueblo, connecting there with the Santa Fe Railroad. In 1948, the company shipped 10,994 ten-gallon cans of milk, and in the first ten months of 1949, 7,753 cans. The present train schedules meet his requirements, while the proposed schedule of the new train from Alamosa to Pueblo would not be satisfactory. Any change in schedules would decrease the volume of his business. There is a good highway from La Jara to Alamosa, and presently the company is using its own trucks for delivery to the train at Alamosa. On five days per week it ships 35 to 40 cans per day to Denver. The company has between 165 and 220 customers in the San Luis Valley to whom it paid \$200,000. in 1948, and \$150,000. in the first ten months of 1949. Annually, the company receives from these shippers five million pounds of milk and 200 pounds of butterfat. While the discontinuance of the trains might not discommode the transportation of the shippers, his company would be forced to make Cheddar Cheese from a part of the shipments, which would result in less money for the shippers.

PAUL GILBERT, Mayor of La Veta, Colorado, representing the Town Board and the Civic organizations of that city, testified that under the present schedules, a passenger could leave La Veta at midnight, arriving in Denver the following morning, transact his business there, and leave Denver at 6:00 P. M., arriving at La Veta at midnight. Under the proposed new schedule, it would require three full days to make the trip. While there are two buses each way daily, the service is not as satisfactory as rail service. Personally, he had not been to Denver for more than four years, and did not know how many prospective passengers would be affected by the proposed change.

It was stipulated that H. Tom Brown, President of the La Veta Chamber of Commerce and P. E. Gross, representing the La Veta Rotary Club, would, if called as witnesses, testify to the same effect as had Witness Gilbert.

It is significant that of protestants' witnesses, only the following testified as to the use of the passenger trains: Witnesses Dayton, Nations, and Fox had used the train, but did not state to what extent. Witness Clark used the trains twice per year. Witness Read rides from Chama to Durango and return fifteen or twenty times per year. Witness Schultz rides twice per year on a pass. Witness Kroeger has not been on the train since 1946. Witness Camp rides to Denver on an average of once every ninety days. Edward Sargent maintains a home in Denver, makes fifteen or twenty trips to Denver by rail, and prefers the present overnight service. Senator Kimball rides to Denver about six times per year.

SUMMARY

No witnesses testified as to the need for Trains Nos. 15 and 16, except as connections for Trains Nos. 115 and 116. In 1948, No. 15 carried an average of 26 revenue passengers, interstate and intrastate, per trip, and in 1949 carried 18 such passengers, while No. 16 carried an average of 29 passengers per trip in 1948, and 23 in 1949. The net operating loss in 1947 was \$77,357; in 1948, \$93,726, and in the first ten months of 1949, \$39,988.

Trains Nos. 115 and 116 carried an average of 14.94 passengers per train-mile, and 16.46 passengers per trip in 1948 and 1949. The net operating loss in 1947 was \$71,244; in 1948, \$90,333, and in the first ten months of 1949, \$98,607. This loss would be reduced by \$10,635, should the new proposed schedule be put into effect.

Aside from the commuter service in New Mexico, Train No. 215 carried an average of 5.2 passengers per trip in 1948, and 1949, and Train No. 216, an average of 3.45 passengers per trip. The net operating loss in 1947 was \$73,958; in 1948, \$94,236, and in the first ten months of 1949, \$93,264.

The net operating loss of the six trains involved in this hearing was \$222,559 for 1947, \$278,305 for 1948, and \$281,859 for the first ten months of 1949.

The Commission is not overly impressed by the evidence relative to express and mail shipments. The transportation of express is the obligation of the Railway Express Agency, Inc., and not of the railroad, and the Agency is required to furnish adequate service to its shippers -- whether there are trains available or not. Since the last increase in express rates in January, 1949, shipments formerly carried by that agency have, to a great extent, been carried by parcel post. Mail service is the exclusive function of the United States Post Office Department, which will establish service for all classes of mail, if necessary by Star Routes. However, the Commission is much impressed with the testimony relative to the past and present prosperity of the San Luis Valley and the San Juan Basin and the prospects for future development of the agriculture, oil, coal, grazing and timber resources of the territory; also, with the optimism of those who are assisting in such development. If their hopes are justified, and we believe they are, there is a great future in store for Southwestern Colorado. The one thing that is most essential for such development is a dependable and efficient freight service.

There is no duty or obligation on the part of a railroad to operate passenger train service in the absence of public need therefor, and public need must be distinguished from the convenience of individuals. It is unfortunate that the passenger service offered by applicant has been practically abandoned by the general public. The trains herein involved cannot successfully meet the competition for passenger traffic of the bus and the private automobile. The public should not expect railroad service to any greater extent than they are willing to use the service provided. Passenger trains are operated primarily for the carriage of passengers, and if the public abandons the trains for passenger travel, there is no duty or obligation to continue their operation at a substantial loss. The passenger traffic has rapidly decreased until it is now almost non-existent.

This is only natural because of the time element involved in the rail service. With an average of one automobile to each family, it is not to be expected that a person who wishes to travel from Alamosa to Durango will pay his fare on a narrow gauge passenger train, requiring more than nine hours to make the trip, when he can drive the distance on a good hard-surfaced, all-weather road in less than half the time, take his family at a lesser cost than one railroad fare, and return when convenient without waiting over night for the return train.

The evidence shows that by actual count by the Highway Department, 600 passenger automobiles travel over the road from Alamosa to Durango in each 24-hour period. According to the testimony of Mr. Eno, if less than 10% of the passengers carried by these automobiles were riding Trains Nos. 215 and 216, these two trains could pay their out-of-pocket expense. This is without taking into consideration the streetcar or commuter service "south of the border." Applicant railroad has spent thousands of dollars advertising this segment of its line and furnishing modernized passenger equipment for the service.

The Commission feels that it would be to the advantage of Southwestern Colorado to permit the applicant railroad to discontinue the operation of Trains Nos. 215 and 216, as well as the other trains involved, in order that the amount saved may be applied to the continued operation and improvement of the freight service, upon which the future prosperity of the territory served so largely depends.

We cannot require applicant railroad to operate the west segment of its line for the convenience of a possible two or three passengers per day for the through trip, or the convenience of the local passengers traveling from station to station in Northern New Mexico. If our neighboring State of New Mexico will be as diligent in building and maintaining its roads as has our own state, the problem of transportation will be much simplified. Nor can applicant be required to operate Trains Nos. 115 and 116 at a great loss, on their present schedules, solely for the convenience of the Frink Creamery Company.

We believe that the thinking people of the territory involved

will agree that to hold otherwise would place an undue financial burden upon the applicant. While they would prefer to watch the passenger trains come and go, they know that conditions do not now justify the operation of both passenger and freight service, and it is in the latter service that they are most interested.

It is apparent from the record that there is a feeling on the part of protestants and the people in this area that the instant application is the opening wedge in a program of the railroad for the total abandonment of the segment of the narrow gauge line now serving the San Juan Basin. Neither we nor the people of the area wish to see this brought about. We believe, as they do, that this area of the state has a great future, and freight service is an essential stimulant to any economic development in any given area, and if we required the rail road to continue the passenger train operations, with their excessive losses, we feel that we might hasten the day when the San Juan territory will lose its vital rail freight service.

We, therefore, feel that by allowing the discontinuance of these passenger trains which are causing the serious losses to the railroad, we will be assisting the people of this area in their needs and desires to keep and maintain the freight service which we, and they, deem vital to Southwestern Colorado.

We might even go further and state that since we are allowing the discontinuance of these unprofitable trains, we will oppose with all the powers and prestige of our office, the discontinuance of any freight service or the abandonment of the railroad into this community, if the railroad should ever entertain such ideas, so long as rail freight service is so vital to the economy of this area.

FINDINGS

THE COMMISSION FINDS:

1. That the above and foregoing Statement should be made a part of these Findings, by reference.
2. That the convenience and necessity of the general public, as distinguished from that of a few individuals, do not require the con-

tinued operation of Trains Nos. 15, 16, 215, and 216 involved in this application, in view of the fact that the public, generally, has abandoned the service of said trains by voluntarily substituting therefor the use of the private automobile, bus and airplane, nor does it require the operation of Trains Nos. 115 and 116 on their present schedules.

3. That the cost of operation of each of the three sets of trains involved in this application is out of all proportion to the revenue, and the applicant should not be compelled to continue, at a great out-of-pocket loss, the operation of Trains Nos. 15, 16, 215, and 216, where there is no public convenience and necessity for their continued operation, nor should it be compelled to continue operation of Trains Nos. 115 and 116 on their present schedules.

4. That a certificate of public convenience and necessity should issue to discontinue Trains Nos. 15, 16, 215, and 216 involved in the instant application, and revise the schedule of Trains Nos. 115 and 116 between Pueblo and Alamosa, Colorado, to provide daytime, instead of night-time, operation.

5. That jurisdiction should be retained by the Commission to enter such further order, or orders, as it may deem necessary.

ORDER

THE COMMISSION ORDERS:

That applicant, The Denver and Rio Grande Western Railroad Company, be, and it hereby is, authorized to discontinue the operation of daily passenger trains between Alamosa, Colorado, and Antonito, Colorado, and between Juanita, Colorado, and Durango, Colorado, by discontinuing the operation of interstate passenger Trains Nos. 215 and 216 between Alamosa, Colorado, and Durango, Colorado.

That applicant, The Denver and Rio Grande Western Railroad Company, be, and it hereby is, authorized to discontinue the operation of daily passenger Trains Nos. 15 and 16, between Denver, Colorado, and Pueblo, Colorado, and to revise the schedule of daily passenger Trains Nos. 115 and 116 between Pueblo, Colorado, and Alamosa, Colorado, to provide daytime, instead of night-time operations.

That this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That jurisdiction is hereby retained by the Commission to enter such further order, or orders, as it may deem necessary.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Holton
John R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1950.

HW

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RAILWAY EXPRESS AGENCY, INC., DENVER
UNION TERMINAL, DENVER, COLORADO, TO
DISCONTINUE FREE PICKUP AND DELIVERY
SERVICE IN WRAY, YUMA COUNTY, COLORADO.

APPLICATION NO. 10872.

At a General Session of The
Public Utilities Commission
of the State of Colorado, held
at its offices in Denver, Colo-
rado, November 30, 1950.

INVESTIGATION AND SUSPENSION DOCKET NO. 321.

On November 1, 1950, the Railway Express Agency, Inc., by
C. C. Case, its Superintendent, filed a petition under this Commission's
General Order No. 35, requesting permission to discontinue free pickup
and delivery service in connection with its agency at Wray, Yuma County,
Colorado.

Applicant stated in its petition that over an extended period
of time, there has been a gradual diminishing of traffic at Wray, Colo-
rado, and that during the past twelve (12) months, an average of only
twelve (12) shipments per day were handled. Of the twelve (12) ship-
ments, approximately seven (7) were for local service and the other
five (5) originated or were destined beyond local free delivery limits
and were therefore picked up or delivered at the office.

Applicant's petition further stated, in effect, that it has
been losing money on each free pickup and delivery handled in Wray,
and by eliminating this free service the Railway Express Agency will be
able to eliminate a direct overhead expense. By eliminating this cost
of operation, petitioner will be almost able to break even rather than
handle this service at a loss as in the past. If permission is granted
to discontinue this service, the Railway Express Agency will notify

consignees by telephone or postal card upon the receipt of a shipment and the shipment will be held at the Chicago, Burlington & Quincy Railroad passenger station until called for or other disposition made.

The intention of the petitioner having become known to interested parties, the Commission received a complaint signed by the Secretary of the Commercial Club of Wray, and 17 residents of said Town of Wray, protesting the discontinuance by the Railway Express Agency of its pickup and delivery service and asking that a hearing be held in the matter.

It appears that the effective date of the proposed discontinuance of the pickup and delivery service in Wray, Colorado, might injuriously affect the rights and interests of the community and parties involved, and it is therefore necessary to suspend the effective date of the discontinuance of free pickup and delivery service at said station. The application filed in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 321 on the Commission's docket.

F I N D I N G S

THE COMMISSION FINDS:

That the discontinuance of free pickup and delivery service in Wray, Yuma County, Colorado, should be suspended and a hearing held in the matter.

O R D E R

THE COMMISSION ORDERS:


That the effective date of the proposed discontinuance of the free pickup and delivery service of the Railway Express Agency, Inc., at its agency in Wray, Yuma County, Colorado, be, and it hereby is, suspended for a period of one hundred and twenty days (120) from November 30, 1950, or until March 30, 1951, unless otherwise ordered.

That the matter of the discontinuance of free pickup and delivery service in Wray be set for hearing at the Court House, at Wray, Colorado, on December 19, 1950, at 10:00 o'clock A. M.

That Application No. 10872, originally assigned to the instant proceeding, be, and it hereby is, closed, and all records and files of said Application be transferred to Investigation and Suspension Docket No. 321.

That a copy of this order be filed with Application No. 10872 and with Investigation and Suspension No. 321, and copies served on C. C. Case, Superintendent, Railway Express Agency, Inc., Express Annex, Denver Union Terminal, Denver 2, Colorado; Joseph T. Callahan, Secretary of the Commercial Club, Wray, Colorado; and George P. Bright, Wray, Colorado, for the protestants whose names appear on the complaint received by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



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

Dated at Denver, Colorado,
this 30th day of November, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY, DENVER, COLORADO,)
CONCERNING TRAIN SERVICE BETWEEN)
DENVER AND CRAIG, COLORADO.)

APPLICATION NO. 10707

December 1, 1950

Appearances: T. A. White, Esq., Denver,
Colorado, for applicant;
Sid Pleasant, Esq., Craig,
Colorado, for Routt Moffat
Wool Growers' Association;
Hugh Gilmore, Esq., Hot Sulphur
Springs, Colorado, for
Grand County;
R. H. Hubbard, Steamboat Springs,
Colorado, pro se;
Maurice Leckenby, Steamboat
Springs, Colorado, pro se;
Mrs. L. P. Vernon, Steamboat
Springs, Colorado, pro se;
Carl F. Fisher, Hot Sulphur
Springs, Colorado, pro se;
George Morrallis, Coal Creek,
Colorado, pro se;
J. H. Baker, Craig, Colorado,
pro se;
J. S. Bitzer, Steamboat Springs,
Colorado, pro se;
E. T. Bollinger, Hot Sulphur
Springs, Colorado, pro se;
D. J. Martin, Hayden, Colorado,
pro se;
C. Crowner, Yampa, Colorado,
pro se;
Otis Burns, Hayden, Colorado,
pro se;
C. W. Brumel, Steamboat Springs,
Colorado, pro se;
Dean Glessner, Drowsy Water
Ranch, Middle Park, Colorado,
pro se;
Hortense Beaver, Winter Park,
Colorado, pro se.

STATEMENT

By the Commission:

Applicant herein now operates two trains which provide passen-
ger service between Denver and Craig, Colorado, as follows:

Trains Nos. 9 and 10 are straight passenger trains, and are operated daily in each direction between Denver and Craig, said trains being daylight trains and consuming most of the day on the trip.

Trains Nos. 23 and 24 are mixed trains, handling freight and passengers in tri-weekly over-night service between Denver and Craig. Limited sleeping car accommodations are provided on Trains Nos. 23 and 24.

Applicant, by the instant application, proposes to discontinue Trains Nos. 9 and 10, and Trains Nos. 23 and 24, and to substitute in lieu thereof a diesel-powered over-night passenger train service, to be known as "Trains Nos. 9 and 10," between Denver and Craig, and to inaugurate through Pullman sleeping car service on said trains. It is the plan to consolidate said Trains Nos. 9 and 10 with applicant's Grand Junction passenger Trains Nos. 19 and 20 between Denver and Bond, and to make stops as required by said consolidated passenger train between Denver and Bond, and to provide flag stops for applicant's Prospector Trains Nos. 7 and 8 at Winter Park, Granby and Kremmling, said service to be operated on approximately the following schedule:

<u>WESTBOUND</u> <u>Read Down</u>			<u>EASTBOUND</u> <u>Read Up</u>	
<u>No. 7</u>	<u>No. 19-9</u>		<u>No. 20-10</u>	<u>No. 8</u>
5:30 PM	7:40 PM	Lv. Denver	Ar. 7:20 AM	8:15 AM
7:35 PM	10:00 PM	Lv. Winter Park	Ar. 5:00 AM	6:04 AM
8:10 PM	10:45 PM	Lv. Granby	Ar. 4:05 AM	5:27 AM
8:50 PM	11:30 PM	Lv. Kremmling	Ar. 3:15 AM	4:47 AM
9:47 PM	12:43 AM	Lv. Orestod	Ar. 1:58 AM	3:52 AM
9:50 PM	12:45 AM	Ar. Bond	Lv. 1:55 AM	3:50 AM
<u>No. 9</u>			<u>No. 10</u>	
3:00 AM Lv. Bond			Ar. 12:55 AM	
4:45 AM Lv. Phippsburg			Ar. 11:10 PM	
6:05 AM Lv. Steamboat			Ar. 10:10 PM	
7:45 AM Ar. Craig			Lv. 9:00 PM	

Applicant proposes under its application to inaugurate the operation of three freight trains weekly in each direction between Denver and Craig, and whenever livestock is offered for transportation on any of said trains, to operate same from Craig to Denver on a schedule of not to exceed twenty-four hours.

In addition, applicant proposes to operate stock train specials

five days per week from Craig to Denver during the livestock-shipping season for thirty cars or more of livestock per train on a schedule leaving Craig at one o'clock in the afternoon for delivery at Denver Stockyards at seven o'clock the following morning.

Formal protests were filed by the Craig Chamber of Commerce, by W. H. Gordon, its President, Little Bear Livestock Association, Northwestern Colorado Cattlemen's Association, Rio Blanco Farmers and Stock Growers' Association, Maurice W. Leckenby, Mrs. L. P. Vernon, Town of Oak Creek, and the Board of County Commissioners of Grand County, all protesting the change of present service, and generally speaking, said protests allege that the proposed curtailment of train service would not be in the public interest, and that the public would be unnecessarily inconvenienced thereby.

The above matter was formally set for hearing at the Court House, Steamboat Springs, Colorado, at ten o'clock A. M., on August 23, 1950.

When said matter came on for hearing, Mr. Pleasant, attorney on behalf of Routt Moffat Wool Growers' Association, stated on behalf of his client that he desired to lodge a protest, and asked leave of the Commission for an additional period of at least three weeks in which to prepare their defense. This motion was vigorously protested by the attorney for applicant. After due consideration by the Commission, the application for continuance was over-ruled, and it was ordered that applicant proceed, with the right granted protestants to renew motion for continuance at the conclusion of applicant's case.

On behalf of applicant, the record discloses that applicant is now proposing to make some schedule changes, primarily in passenger service, between Denver and Craig, Colorado. The proposal provides for operating Trains Nos. 9 and 10 as over-night trains, instead of the present day train service, said trains to be consolidated with Trains Nos. 19 and 20, commonly known as the "Mountaineer," between Bond and Denver, Colorado, said Mountaineer having its final destination on the Western Slope at Montrose, Colorado, via Grand Junction, it being also

proposed to discontinue mixed trains Nos. 23 and 24, being a tri-weekly service between Craig and Denver, Colorado.

The evidence disclosed that Trains Nos. 9 and 10, for the Year 1949, sustained an operating loss of \$132,179.00, and for the first six months of 1950, sustained an operating loss of \$71,686.00, as disclosed in detail in Exhibit No. 8. The Year 1948 shows an operating loss of \$94,874.00 on Trains Nos. 9 and 10. Trains Nos. 23 and 24 show an operating loss of \$77,015.00 for the Year 1949, and for the first six months of 1950, these trains sustained a loss of \$28,569.00, as disclosed by Exhibit No. 9. Applicant, in Exhibit No. 10, projects what it deems would be saved if said application is granted:

"REVENUES, EXPENSES AND NET EARNINGS DERIVED FROM PASSENGER TRAIN OPERATION—TRAINS 9-10 AND 23-24 COMPARED TRAINS 9 AND 10 UNDER PROPOSED CONSOLIDATED ARRANGEMENT BASED ON YEAR 1949 EXPERIENCE

Present Passenger Train Operation

	<u>Revenues</u>	<u>Expenses</u>	<u>Net Earnings</u>
Trains Nos. 9 and 10	\$124,756	\$256,935	\$132,179****
Trains Nos. 23 and 24	<u>29,083</u>	<u>106,098</u>	<u>77,015****</u>
Total - Four Trains	\$153,839	\$363,033	\$209,194****

Proposed Passenger Train Operation

Trains Nos. 9 and 10 consolidated with Trains Nos. 19 and 20 between Denver and Bond. Separate operation between Bond and Craig, Colorado.	\$153,839	* \$162,517	\$ 8,678****
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* - Includes estimated annual deficit of \$20,000 which will be incurred by operation of Pullman car between Denver and Craig.

**** - Indicates red figures."

Mr. H. F. Eno, General Passenger Agent for The Denver and Rio Grande Western Railroad Company, testified that his company, in common with all other railroads, finds its passenger revenues diminishing, and sees a very important need for eliminating wherever possible unprofitable operations; that the management has determined that it can continue to give the citizens on the Moffat Branch of The Denver and Rio Grande Western Railroad Company a good and satisfactory passenger service, and at the same time, make a much-needed economy in passenger train operations,

without eliminating service to any of the people who presently receive service. He stated the service proposed will provide daily service over night between Denver and Craig, and also provide service to every community which now has passenger train service, with precisely the same stops for the night train as are now provided by the present train service. The witness contended that company's proposed passenger service will be adequate to serve the Moffat Branch now served by Trains Nos. 9 and 10, pointing out that the branch served will have a daily over-night passenger service between Denver and Craig and intermediate points; that company proposes to inaugurate a standard Pullman passenger-car on its over-night passenger service between Craig and Denver. In addition, it is the plan of applicant to operate reclining seat coaches of a modern type, which, witness claims, offer a reasonably comfortable night's ride. This train is to be handled by diesel-power, which will enable it to maintain a very reliable on-time operation. In addition, the operation of this train makes available by the proposed scheduled changes a direct connection with the territory commonly known as the "Western Slope," -- that is, service from the Moffat Branch area to or from Glenwood Springs, Grand Junction, Delta, and Montrose. It is also the plan of applicant that Trains Nos. 7 and 8, known as the "Prospector," will give a flag stop service between Denver and Winter Park, Granby, and Kremmling.. In addition, all towns located on the Moffat Branch are served by the Denver-Salt Lake-Pacific Trailways Bus for passenger and bus express service.

F. O. Garrison, of Grand Junction, Colorado, who is associated with the C. D. Smith Company (said company being wholesalers of drugs, sundries, stationery, liquors, tobaccos, fertilizer, and insecticides and other items), stated in substance that due to the present train schedules, it was impossible for a wholesale house located in Grand Junction to compete with Denver. Instead of having over-night service from Grand Junction to the Yampa Valley, they presently have a thirty-six-hour service. He feels that the proposed service would open up direct connections into Montrose, Delta, and Grand Junction; that this proposed change would be

beneficial to residents of not only the Yampa Valley, but to other points served by The Denver and Rio Grande Western Railroad Company on the Western Slope.

Mr. I. V. Beckett, of Craig, Colorado, former Post Master, and a member of the Chamber of Commerce, and wholesale distributor for the Texaco and B. F. Goodrich Rubber Companies, testified that he felt the proposed change in passenger service, as it pertains to Craig, would be an adequate service for mail, passenger service, and express.

Q. A. Kellogg, Assistant Freight Traffic Manager for applicant company, stated he had supervision over the shipping of livestock, packing house, and dairy products. He went into a detailed account of the proposed service to be rendered for the shipment of livestock. As this matter is taken care of by stipulated amendment to the application, the Commission can see no good reason for reviewing his testimony.

Mr. R. E. Jones, a cattleman residing at Yampa, Colorado, stated he felt that the proposed service of applicant would have no detrimental effect on his business, or on his community.

Mr. J. F. Smith, of Steamboat Springs, Colorado, stated he was a former Mayor of Steamboat Springs, and at present was engaged in the theater business; that he also is a member of the Lions Club, and has been very active in the promotion of winter sports in the Steamboat Springs territory. The witness stated that the new proposed passenger service would have far more advantages for winter sports enthusiasts, as it would present opportunity for Denver skiers to leave Denver Friday evening by modern train, spend two days skiing at Steamboat Springs, and return to Denver Sunday night, arriving Monday morning, being back on the job or at school Monday morning, without any unnecessary loss of time. The witness contended that the proposed service would be an improvement for businessmen of Steamboat Springs desiring to transact a day's business in Denver -- especially during the winter months.

Mr. Andrew McDermott, a member of the Town Board of Steamboat Springs, stated he felt that the proposed service of applicant would be

adequate, and a definite improvement over the present service for Steamboat Springs residents.

Mr. R. H. Hubbard, Mayor of Steamboat Springs, testified that the Town Board had considered the question of changed passenger service, and after due consideration, felt that the proposed diesel-operated modern train would provide a more convenient and desirable service.

After the applicant had rested its case, protestants renewed their request for a continuance, so as to enable them to study applicant's exhibits and for time to prepare a proper defense.

A continuance was granted by the Commission to September 15, 1950, at ten o'clock A. M., said hearing to be resumed at the Court House in Steamboat Springs, Colorado.

On September 15, 1950, Mr. White, attorney for applicant, stated:

"MR. WHITE: If the Commission please, prior to the calling of the case the applicant and the livestock men who were interested as protestants in the matter have agreed upon the operation of stock train specials, which will have the effect of eliminating further protest by the stock men in connection with the application. I desire to read the statement of what has been agreed upon between the applicant and the stock men, and to do that I am going to ask in order to make it plain on the record that paragraph D and E of the application as originally presented and as amended at the previous hearing be stricken and that the following paragraphs be substituted in lieu of paragraphs D and E.

"New paragraph D, 'To inaugurate the operation of three freight trains weekly in each direction between Denver and Craig.' Paragraph E, 'To operate stock train specials seven days per week from Craig to Denver during the livestock shipping season for approximately 30 cars of livestock per train on a schedule leaving Craig at 1:30 in the afternoon for delivery at Denver stockyards at 7:00 the following morning. After insufficient volume of livestock no longer justifies the operation of seven livestock specials weekly as outlined in paragraph E, which is approximately some time between November 1 and 15th, applicant will, when any livestock is offered for shipment, operate a stock special from Craig to Denver on Tuesday and Saturday until about December 1st on the same schedule outlined in this paragraph E. Again, during the week or ten days preceding the Denver stock show, applicant will operate one train for approximately

ten cars on some agreed date to accommodate the show stock, and again on the first Saturday of the show for ten cars more or less of livestock. During the balance of the year when one or more cars of livestock is offered, applicant will operate a train on a schedule leaving Craig at 4:00 P. M. Saturday, for arrival north yard in Denver at noon Sunday, and the Denver Union Stockyards at 2:00 P. M. Sunday. Any train handling livestock from Denver to points west of Orestod will be operated on the equivalent of a twenty-two-hour schedule between Denver and Craig.' This is the proposition that we have agreed on.

"COMMISSIONER HORTON: That is your proposed amendment?

"MR. PLEASANT: Now, if the Commission please, in view of the amendment to the schedule that was just read into the record by Mr. White, the Routt Moffat Wool Growers withdraw their protest to the application for change of schedule, and I want to state at this time that we have agreed on this schedule on behalf of these livestock operators with the distinct understanding and agreement that it was impossible for the railroad to operate a train on a shorter schedule from Craig to Denver. We have agreed to this on the assurance of the officials of the railroad that if and when more diesel equipment is available that they will attempt to shorten the schedule on these livestock specials. A great many of the stockmen aren't convinced that this train can't be run on a shorter schedule, but we have the assurance of these gentlemen that it's absolutely impossible to do that and guarantee the arrival date in Denver; and it's for that reason that we have acquiesced in this schedule."

On behalf of protestants, the record discloses that several witnesses appeared protesting the proposed change in passenger operations, which evidence has been summarized as follows:

Carl F. Fisher, Mayor of the Town of Hot Sulphur Springs, stated he represented the Town of Hot Sulphur Springs, and had been authorized by the Board of County Commissioners of Grand County to protest the abandonment of Trains Nos. 9 and 10 or consolidated service of Trains Nos. 9 and 10 in accordance with petition of the railroad; that it was the judgment of the Town Board of Hot Sulphur Springs and the Board of County Commissioners of Grand County that the change would not be beneficial to either the town or the county; that the present daily train service was convenient for the residents of Hot Sulphur Springs and Grand County, and the proposed schedule would be incon-

venient, due to its departure in the early hours of the morning.

Edward T. Bollinger, a Minister of the Gospel, who resides in Kremmling, Colorado, also vigorously protested any change in railroad service. His protest was largely to the effect that the service would prove unsatisfactory to the tourists from the Middle West visiting Middle Park, and would work a hardship on all persons engaged in dude ranching and those catering to the tourist business.

Dean Glessner, a dude rancher at Drowsy Water Ranch, located in Middle Park, stated that about eighteen years ago, he, in company with other dude ranchers, formed the Colorado Dude Ranch Association; that since that time, by hard work and consistent effort on the part of ranchers in Colorado, Colorado has become one of the better-known dude and guest ranch areas in the West; that when the witness started in business there were only two operating dude ranches in Colorado; that now sixteen dude ranches operate in the Middle Park area alone; that these ranches have been able to sell guests from the Middle Western States that Middle Park is the ideal area for them to spend their vacations, because it is possible for them to get on a train at night and arrive at their destination the following day. The witness felt that the change in schedule will materially affect his business, as it will require a several-hour lay-over in Denver, thereby shortening the vacation time spent at the dude or guest ranch. He stated also that a major portion of the guests arrive by train, and the change of schedule of trains will, in his judgment, inconvenience his guests, thereby resulting in fewer guests and less business.

Hortense Beaver, one of the owners and operators of Sportland Valley Ranch and Ski Lodge, stated that the abandonment of Trains Nos. 9 and 10 would adversely affect their business; that most of the guests come by trains, and that they do not feel that the bus service or proposed train schedule would adequately take care of their needs. The witness contended that the railroad has a moral obligation to take care of their needs, even if at a substantial loss.

We have attempted to briefly review the evidence given at the hearing. The Commission fully appreciates the reaction of the communities

affected to the proposed abandonment of the present schedules. Local pride, which is always evident in similar matters, naturally leads to a protest against the curtailment of any railroad facilities which have been enjoyed in the past. The question for determination by the Commission, however, is whether, in view of present conditions, the public will be served in a reasonably adequate manner by the proposed change in schedules. In the instant case, we do not have an abandonment of passenger train service. It might better be designated as a curtailment. The passenger, mail, and express service offered by the railroad and bus company appears reasonably adequate, and certainly is as much, and in many instances more, service than many communities in Colorado are today enjoying. In view of the fact that the operations of passenger service are conducted at a loss, we are unable to escape the conclusion that the operations of said Trains Nos. 9 and 10 and Trains Nos. 23 and 24 constitute a rather serious financial burden on the applicant. The service proposed by applicant, as viewed by the Commission, after a careful consideration of the record, is reasonably adequate to meet the public convenience and necessity. The Commission is particularly concerned with the problem of trying to retain as much railroad service in Colorado as we feel the needs of the public require. With this end in view, we have consistently granted requests of railroad companies to effect economies in their operations, feeling it is far better for the general public to retain railroad service, even though somewhat restricted and curtailed. It appears to the Commission that the amendment agreed to by and between applicant and the livestock interests -- that is, the amendment to Paragraphs D and E -- will adequately take care of livestock shipments, thereby providing an overnight service for livestock shippers from the Moffat Branch to Denver. The regrettable part of the situation is the fact that dude ranching interests in Middle Park will be injuriously affected, but in the judgment of the Commission, this is not of sufficient magnitude to justify the applicant to continue the operation of Trains Nos. 9 and 10, wherein the evidence discloses an operating loss of \$32,179.00 for the Year 1950,

and for the first six months of 1950, an operating loss of \$71,686.00.

FINDINGS

THE COMMISSION FINDS:

That authority should be granted to The Denver and Rio Grande Western Railroad Company to discontinue operations of Trains Nos. 9 and 10 and Trains Nos. 23 and 24 between Denver and Craig, Colorado, and to substitute in lieu thereof a daily diesel-powered over-night passenger train service to be known as "Trains Nos. 9 and 10," between Denver and Craig, Colorado, and to inaugurate through Pullman sleeping car service on said trains, and to consolidate said Trains Nos. 9 and 10 with applicant's Grand Junction passenger Trains Nos. 19 and 20 between Denver and Bond, Colorado, and to make stops as required by said consolidated passenger train between Denver and Bond, and to provide flag stops for applicant's proposed Trains Nos. 7 and 8 at Winter Park, Granby, and Kremmling, as set forth in applicant's exhibit.

That applicant shall inaugurate the operation of three freight trains weekly in each direction between Denver and Craig, and operate stock train specials seven days per week from Craig to Denver during the livestock shipping season for approximately 30 cars of livestock per train on a schedule leaving Craig at 1:30 in the afternoon, for delivery to Denver stockyards at 7:00 the following morning. After insufficient volume of livestock no longer justifies the operation of seven livestock specials weekly as outlined in Paragraph D of the amended application, which is approximately some time between November 1 and November 15, applicant will, when any livestock is offered for shipment, operate a stock special from Craig to Denver on Tuesday and Saturday until approximately December 1 on the same schedule outlined in said Paragraph D. During the week or ten days preceding the Denver Stock Show, applicant will operate one train for approximately ten cars on some agreed date to accommodate the show stock, and again on the first Saturday of the show for ten cars more or less of livestock. During the balance of the year, when one or more cars of livestock is offered,

applicant will operate a train on a schedule leaving Craig at 4:00 P. M. Saturday for arrival north yard in Denver at noon Sunday, and the Denver Union Stockyards at 2:00 P. M. Sunday. Any train handling livestock from Denver to points west of Orestod will be operated on the equivalent of a twenty-two-hour schedule between Denver and Craig, Colorado.

O R D E R

THE COMMISSION ORDERS:

That The Denver and Rio Grande Western Railroad Company should be, and it hereby is, authorized to discontinue operations of Passenger Trains Nos. 9 and 10 and Trains Nos. 23 and 24 between Denver and Craig, Colorado, subject to the following conditions, which in the opinion of the Commission, the public convenience and necessity require.

(a) In lieu of operation of said Trains Nos. 9 and 10, and Trains Nos. 23 and 24, applicant shall substitute a diesel-powered over-night passenger train service, in accordance with the Findings herein.

(b) In addition, applicant shall inaugurate freight service as provided for in the Findings, as agreed to by the applicant, and more particularly set forth in Paragraph D of its amended application.

(c) Jurisdiction of the instant application is hereby retained, to the end that such further order or orders may be entered herein as to the Commission may seem advisable.

IT IS FURTHER ORDERED, That this order, subject to the above restrictions, shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 1st day of December, 1950.

HW

Ralph C. Horton
Julius R. Barry
Joseph C. Healey
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PERRY F. STOKES, EL MORO, COLORADO,
FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

}
} APPLICATION NO. 10492.
}

December 5, 1950

Appearances: Franklin W. Azar, Esq.,
Trinidad, Colorado, for
applicant and the Board
of County Commissioners of
Las Animas County;
Frank H. Hall, Esq., Trinidad,
Colorado, for Fouret Brothers.

S T A T E M E N T

By the Commission:

By the instant application, Perry F. Stokes, of El Moro, Colorado, seeks a certificate of public convenience and necessity for the operation of a motor bus line for the transportation of passengers and their baggage between the City of Trinidad, Colorado, and the Las Animas County Airport, sometimes known as the Trinidad Municipal Airport.

The application was set for hearing at the Court House in Trinidad, Colorado, for March 21, 1950, and after due notice to all parties in interest, was there heard and taken under advisement.

Applicant testified that he is Manager of the Trinidad Municipal Airport, located approximately 11.7 miles northeast of Trinidad, the airport now being owned and operated by Las Animas County, Colorado. This airport is on the main line of Continental Air Lines, and has been classified and approved as a Class 3 airport. Regular scheduled service, with one stop per day each way, was to be inaugurated by Continental on April 1, 1950 (and has been so inaugurated and maintained). Several private planes utilize the facilities of the airport, accounting for 90% of its revenue, but applicant could not

state the number or ownership, or whether or not the operators of such private airplanes were met by their own automobiles or would require taxi service. Nine private airplanes are now stationed at the airport, but their owners do not use taxi service. An average of two private planes land each day.

If authority is granted, applicant expects to purchase a station wagon with 8-passenger capacity, at a cost of approximately \$2,500.00, and fix his rate at a flat 95¢ per passenger, half-fare for minors, with no charge for passengers under five years of age if accompanied by their parents. He proposes to keep this station wagon at the airport and maintain an office in Trinidad in connection with an office to be established there by Continental Air Lines.

Applicant is negotiating with the Board of County Commissioners of Las Animas County for the privilege of using the airport, has proposed and is trying to obtain permission of the City Council of Trinidad for the use of the city streets. He has received complaints on the service of Fouret Brothers, now authorized to perform the same service, and thinks that public convenience and necessity require his proposed service.

Joe Lacrus and John Kancillia, members of the Board of County Commissioners of Las Animas County, appeared in support of the application. Both stated they had no objection to the use of the airport by applicant, and would grant him the privilege of pickup and delivery of passengers. The contract of the county with Continental provides that a taxicab should meet each scheduled flight, and this service is now being performed by Fouret Brothers, who have the mail contract and proper taxicab authority. The County Commissioners have no complaint on the Fouret service but feel that it would be beneficial to the public to have a station wagon or bus stationed at the airport at all times for the use of those landing by private planes.

Albert Fourret, on behalf of Fourret Brothers, holding PUC-29, vigorously opposed the granting of the authority sought. Under Application No. 10423, Decision No. 34374, said certificate was extended to include the transportation in pickup and delivery service of passengers, express and mail between Trinidad and the airport. The company has been operating a taxi service in Trinidad and surrounding territory for many years, and has filed satisfactory statement of equipment and financial statement. Its equipment is ample to care for the airport business. It has the mail contract and operates a taxi service to meet both flights of Continental. Its schedule of rates is on file with the Commission. It offers 24-hour service, requires 20 minutes to answer a call from the airport, but has had only one or two calls per month for such service, aside from the service furnished the passengers of Continental. This company can handle all available passengers easily, and feels strongly that there is no need for additional authority.

At the time of the hearing, the Commission felt that it would be a disservice to applicant to grant him authority which would require him to purchase and maintain equipment for the transportation of only a part of the passengers available at the airport. Fourret Brothers have the mail contract and are required to meet every flight, and, frankly, there is not sufficient business for two operators. We purposely delayed decision until we could ascertain whether or not Continental Air Lines would develop its passenger business sufficiently to justify favorable action on this application. Continental has reported to the Commission that from April 1 to August 31, 1950, a period of five months, only 495 passengers either boarded or deplaned at this airport, an average of 3.3 passengers per day. The average was approximately the same during September and October. This report only strengthens our opinion that public convenience and necessity do not require the proposed operation of applicant.

FINDINGS

THE COMMISSION FINDS:

That public convenience and necessity do not require the proposed operation of applicant as set forth in the instant application, and that said application should be denied.


ORDER

THE COMMISSION ORDERS:

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

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Hinton
Julius R. Barry
Joseph T. Hensley
Commissioners.

Dated at Denver, Colorado,
this 5th day of December, 1950.

ea

Original

(Decision No. 35730)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE DEMURRAGE AGAINST)
CONTINENTAL OIL COMPANY)
AT MONTROSE, COLORADO)

Miscellaneous Docket
Number 238

December 4, 1950

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Rio Grande Western Railroad Company by T. R. Woodrow, its General Attorney, dated September 29, 1950, requesting authority to waive the collection of a \$30.00 demurrage charges and \$26.04 hazardous storage charges which accrued on one carload shipment of gasoline at Montrose, Colorado, during the period July 11 to 22, 1950.

The letter relates the following facts:

"On June 21, 1950, the Continental Oil Company at Denver, Colorado, consigned CONX 3118, loaded with gasoline, over our line for delivery to the Continental Oil Company at Montrose, Colorado. This car was detained by us because of the switchmen's strike through July 7, 1950, and then transported to Montrose, where the car arrived on July 8th.

"During the period the car was detained by our company on account of the strike, Continental Oil Company at Montrose had gasoline trucked into its distribution tanks at that point in order to serve the local needs for gasoline. When the car of gasoline suddenly arrived at Montrose without notice to the consignee, following the end of the switchmen's strike, consignee's tanks were filled to capacity with this trucked gasoline and it had no storage available for the car of gasoline. The car was placed for unloading on July 10th and was not released until July 22nd, during which time \$56.04 accrued in demurrage and hazardous storage charges. I enclose herewith a copy of the demurrage bill for this amount.

"It was the duty of the Railroad Company under the tariff to give the consignee notice of constructive placement of the car when the consignee was unable to receive same on the industry track. This the railroad failed to do. However, the car was actually set on the industry track adjacent to consignee's unloading facilities as this track space was available, consignee's difficulty being the lack of storage space in its plant and not congestion of cars awaiting unloading on the industry track. Under those circumstances,

it is doubtful if the Railroad Company could justify waiver of the demurrage charge on account of railroad error.

"Wholly apart from the question with respect to notice, however, the railroad believes that the equities in this particular case are so strongly in favor of the consignee that it could with propriety cancel the demurrage bill if the Commission will permit such action under the circumstances. Accordingly, the Railroad Company respectfully requests authority to cancel the enclosed demurrage bill."

The facts as hereinbefore set forth, show that the car was delivered to the carrier in Denver, Colorado, prior to the beginning of the switchmen's strike; that before delivery could be made in Montrose, Colorado, the railroad became involved in the said strike and temporarily ceased operations.

In the interim, the Continental Oil Company, as well as other shippers, were forced to seek other means of transportation to take care of their needs.

The governing tariff makes no provision that will cover situations such as those surrounding this case. The conditions here are outside of the ordinary conditions surrounding traffic and we feel the facts warrant extraordinary consideration and treatment.

The Commission finds that the request should be authorized.

ORDER

IT IS ORDERED:

That, The Denver and Rio Grande Western Railroad Company be, and it is hereby authorized to waive collection of \$30.00 demurrage and \$26.04 hazard storage charges which accrued in CONX car No. 3118 containing gasoline at Montrose, Colorado, detained by the Continental Oil Company, during the period July 11 to 22, 1950, inclusive; that this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Julius R. Barry

Joseph W. Hickey
Commissioners

Dated at Denver, Colorado
this 4th day of December, 1950.

hn

original

(Decision No. 35731)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH SOUTH, PALISADE, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 10826.
AND NECESSITY.)
-----)

December 6, 1950

Appearances: Haynie and Hotchkiss, Esqs.,
Grand Junction, Colorado,
for applicant;
Eugene H. Mast, Esq., Grand
Junction, Colorado, for
W. R. Hall Transportation
and Storage Company;
William B. Nelson, Craig,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Ralph South, Palisade, Colorado, seeks a certificate of public convenience and necessity for the transportation of all types of buildings, structures, box cars, and trolley cars, from point to point within all of the area of the State of Colorado west of the Continental Divide.

The application was set for hearing at the Court House, in Grand Junction, Colorado, for October 26, 1950, and, after due notice to all parties in interest, was there heard and taken under advisement.

Applicant has been engaged in the business of moving buildings for the past thirty years, and generally has operated under his private permit No. B-2624, from point to point within a radius of fifty miles of Ordway, Colorado, and in other parts of the State under temporary authority.

The list of his equipment is on file, which shows probably the most complete house-moving equipment in the State of Colorado. A financial statement as of October 25, 1950 (Exhibit "B"), filed on date

of hearing, shows his net worth as \$106,565.00, including an investment of \$75,000.00 in truck and moving equipment.

Applicant testified that he had been operating in Mesa County, Colorado, since May, 1950, under temporary authority from this Commission. He has moved forty-four buildings in Palisade, and about fifteen buildings in other parts of the country. There is a continuous need for his service, he has had demands for service from parties as far away as Ouray, Delta, Montrose and Rifle, and has many jobs going forward. The demands are for specialized service which cannot be furnished by anyone else on the Western Slope, so far as applicant is advised. With his equipment he can handle buildings one hundred feet long and forty feet wide.

Earl Stuller, B-2983, is now hauling buildings under temporary authority, and has applied for permanent authority in an area within a radius of 75 miles of Grand Junction, but he does not have adequate equipment.

Applicant expects to move the necessary equipment from Ordway to Palisade, or the Grand Junction area, and also continue his operations in the Ordway area.

Hugh Chisholm of Aspen, Ralph Davis and E. J. Carnes of Palisade, H. M. Cress of Hotchkiss, and Andrew Rasmussen, Sr., of Fruitvale, all testified in support of the application. All testified that they had used applicant's service in the transportation of buildings, and found same satisfactory. All agreed that there is a definite need for the proposed service as there is no one else in the area qualified to do such work satisfactorily.

Applicant agreed that any authority issued should be limited to the transportation of buildings, generally, excluding box cars and trolley cars, and service excluded in Moffat, Rio Blanco, Routt, Jackson, and Grand Counties.

FINDINGS

THEREFORE, 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.

ORDER

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 buildings generally, excluding box cars and trolley cars, from point to point within all of the area of the State of Colorado lying west of the Continental Divide, excluding, however, any service in Moffat, Rio Blanco, Routt, Jackson, and Grand Counties, 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.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



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

Dated at Denver, Colorado,
this 6th day of December, 1950.

original

(Decision No. 35732)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF }
FRED WEISS, LONGMONT, COLORADO, FOR }
AUTHORITY TO LEASE PUC NO. 509 TO }
OLIVER F. CLYNCKE AND OLIVER J. }
CLYNCKE, DOING BUSINESS AS "OLIVER }
CLYNCKE," LONGMONT, COLORADO. }
----- }

APPLICATION NO. 10905-Lease.

December 6, 1950

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

STATEMENT

By the Commission:

The Commission is in receipt of a communication from
Marion F. Jones, Attorney for applicants herein, requesting that
the above-styled application be dismissed.

FINDINGS

THE COMMISSION FINDS:

That said request should be granted.


ORDER

THE COMMISSION ORDERS:

That the above-styled application should be, and the same
hereby is, dismissed, at request of attorney for applicants.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Reep W. Horton
John R. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
HAROLD W. THOMPSON, 5216 MORRISON)
ROAD, DENVER, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)
-----)

APPLICATION NO. 10722
SUPPLEMENTAL ORDER

December 6, 1950

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicant;
Ralph Sargent, Esq., Denver,
Colorado, for Rocky Mountain
Motor Company.

STATEMENT

By the Commission:

On October 6, 1950, by Decision No. 35451, applicant herein
was granted a certificate of public convenience and necessity.

On October 10, 1950, applicant, by his attorney, Worth Allen,
filed "Motion for Modification of Order dated October 6, 1950."

The Commission has reviewed the record in the instant appli-
cation and has carefully considered said Motion, and is of the opinion
that said Motion should be denied.

FINDINGS

THE COMMISSION FINDS:

That "Motion for Modification of Order, dated October 6, 1950,"
filed by applicant herein, should be denied.

ORDER

THE COMMISSION ORDERS:

That "Motion for Modification of Order Dated October 6, 1950,"
filed by applicant herein, should be, and the same hereby is, denied.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of December, 1950.

ea





Commissioners. 7

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN A. CRESPIN, 4425 NAVAJO STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 10839-PP.

December 6, 1950

Appearances: Charles E. Roth, Esq.,
Denver, Colorado, for
applicant;
A. J. Fregeau, Denver,
Colorado, for Weicker
Transfer and Storage
Company.

S T A T E M E N T

By the Commission:

On October 2, 1950, applicant herein filed application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of brick from Denver to points within a radius of fifteen miles of Denver, Colorado, for Denver Sewer Pipe and Clay Company, only.

Said application was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, November 2, 1950, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 1935 Dodge one and one-half-ton truck, and has net assets of approximately \$1,000.00.

Applicant stated that he has been requested by Denver Sewer Pipe and Clay Company to deliver brick to points contiguous to Denver, and that he desires to render this service.

No evidence was introduced in opposition to the granting of the authority sought, and it did not appear that the proposed operation of applicant will tend to impair the efficiency of any motor vehicle common carrier service with which applicant will compete.

FINDINGS

THE COMMISSION FINDS:

That the instant application, as hereinafter limited, should be granted.

ORDER

THE COMMISSION ORDERS:

That John A. Crespin, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of brick from Denver, Colorado, to points within a radius of fifteen miles of Denver, said service to be limited to one customer, only, viz., Denver Sewer Pipe and Clay Company.


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 twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



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

Dated at Denver, Colorado,
this 6th day of December, 1950.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CECIL WEBSTER AND HAROLD RINDOM, CO-)
PARTNERS, DOING BUSINESS AS "C & H)
EXPRESS," 2544 STOUT STREET, DENVER,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS CLASS "B" PRIVATE CARRIERS BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 10841-PP.

December 6, 1950

Appearances: Harold Rindom, Denver,
Colorado, for applicants;
Harold Torgan, Esq., Denver,
Colorado, for Colorado
Transfer and Warehousemen's
Association;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
Myron H. Burnett, Esq., Denver,
Colorado, for Common Carrier
Division of The Colorado Motor
Carriers' Association.

S T A T E M E N T

By the Commission:

On October 9, 1950, Cecil Webster and Harold Rindom, co-
partners, doing business as "C & H Express," Denver, Colorado, filed
application for a Class "B" permit to operate as private carriers by
motor vehicle for hire for the transportation of contractors' small
equipment, tools and supplies, not to exceed five hundred pounds to
any one piece, between points within a radius of fifteen miles of
Denver, Colorado.

The matter was set for hearing, and heard, at 330 State
Office Building, Denver, Colorado, November 2, 1950, and at the con-
clusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicants desire
to haul tools and small supplies for building contractors in the area
adjacent to Denver.

It appears that applicants are presently operating a similar service within the City and County of Denver, and desire to extend this service beyond the City Limits.

Harold Rindom, one of the applicants herein, stated they will use trucks not exceeding one-ton capacity in their proposed operation.

It further appears that applicants are co-partners, and are fit, willing and able to perform the aforementioned service properly, and will conform to the rules and regulations of the Commission.

The evidence did not disclose, nor did it appear, that the proposed operation of applicants will tend to impair the efficiency of any motor vehicle common carrier service with which they will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application, as hereinafter limited, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Cecil Webster and Harold Rindom, co-partners, doing business as "C & H Express," Denver, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of contractors' small equipment, tools, and supplies, not to exceed five hundred pounds to any one piece, between points within a radius of fifteen miles of Denver, Colorado, said operation to be limited to trucks commonly designated as "one-ton" and "one-half-ton" capacity.


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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

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

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Horton
John R. Barry
Joseph C. Kealey
Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1950.

ea

original

(Decision No. 35736)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VETERANS ZIP CAB COMPANY, A COLO-)
RADO CORPORATION, 28 EAST HAMPDEN)
STREET, ENGLEWOOD, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

APPLICATION NO. 10654
SUPPLEMENTAL ORDER

December 6, 1950

Appearances: Conant, Atencio, and Blackman, Esqs.,
3425 South Broadway, Englewood,
Colorado, for applicant;
Ralph Sargent, Jr., Esq., Denver,
Colorado, for Rocky Mountain Motor
Company, Yellow Cab Company;
Worth Allen, Esq., Denver, Colorado,
for Julius Bussard;
John Mueller, Esq., Denver, Colorado,
for Checker Cab, Zone Cab Company;
Kenneth L. Smith, Municipal Building,
Denver, Colorado, Utilities Director,
for City and County of Denver, Colorado.

S T A T E M E N T

By the Commission:

By Decision No. 35615, of date November 9, 1950, the Com-
mission denied the above-styled application.

On November 29, 1950, applicant herein, by its attorneys,
filed "Petition for Re-Hearing."

The Commission has reviewed the evidence adduced at the
hearing on said application, and has carefully considered Petition for
Rehearing filed herein, and each and every allegation thereof, and is of
the opinion, and finds, that said Petition should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing filed by applicant herein, by its
attorneys, on November 29, 1950, should be denied.


ORDER

THE COMMISSION ORDERS:

That Petition for Rehearing filed by applicant herein,
by its attorneys, on November 29, 1950, should be, and the same hereby
is, denied.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Whitcomb
Julius R. Barry
Joseph C. Keenley
Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1950.

CE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS E. ORD, DOING BUSINESS AS)
"DENVER DISPOSAL CO.," 1001)
SHERMAN STREET, DENVER, COLORADO) PERMIT NO. C-22388
)
)

December 15, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Thomas E. Ord, d/b/a Denver Disposal Co.,
requesting that Permit No. C-22388 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-22388, heretofore issued to
Thomas E. Ord, d/b/a Denver Disposal Co., be,
and the same is hereby, declared cancelled effective November 27, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph W. [unclear]

Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
K. E. YOAKUM, ROUTE 2, BOX 403,)
PUEBLO, COLORADO)
)
)
)

PERMIT NO. C-5253.

December 15, 1950

S T A T E M E N T

By the Commission:

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

K. E. Yoakum,-----

requesting that Permit No. C-5253 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-5253, heretofore issued to-----

K. E. Yoakum,-----be,

and the same is hereby, declared cancelled effective **November 27, 1950.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Randolph C. Norton

John H. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 15th day of December, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. B. WIRICK, DOING BUSINESS AS)
"HALL'S FEED STORE," 2027 PEARL)
STREET, BOULDER, COLORADO)
)
)

PERMIT NO. C-3176

December 15, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
R. B. Wirick, d/b/a Hall's Feed Store,.....
requesting that Permit No. C-3176.....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-3176....., heretofore issued to.....
R. B. Wirick, d/b/a Hall's Feed Store,.....be,
and the same is hereby, declared cancelled effective November 27, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT DILL, JOHNSTOWN, COLORADO)
)
)
)

PERMIT NO. C-21237

December 15, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Albert Dill,
requesting that Permit No. C-21237 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-21237, heretofore issued to
Albert Dill, be,
and the same is hereby, declared cancelled effective November 27, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Oscar E. Berg

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD GROVES, ROUTE 2 BOX 26,)
GOLDEN, COLORADO) PERMIT NO. C-17310
)
)
)

December 15, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Harold Groves,
requesting that Permit No. C-17310 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-17310, heretofore issued to
Harold Groves, be,
and the same is hereby, declared cancelled effective November 11, 1950.

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 Dec., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. L. ROGERS CONSTRUCTION CO.,)
INC., P. O. BOX 1706, WICHITA)
FALLS, TEXAS.) PERMIT NO. C-25949
)
)
)

December 15, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
C. L. Rogers Construction Co., Inc.,-----
requesting that Permit No. C-25949-----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-25949-----, heretofore issued to-----
C. L. Rogers Construction Co., Inc.,-----be,
and the same is hereby, declared cancelled effective November 8, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Norton

John H. O'Leary

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

A & E Grain & Produce Company
Nick Adams
Roy C Adams
Verl Baereton
Joseph L Bellamah
Booth & Jones
Clinton Boxwell
A E Bramble & Son Inc
Bert Buscha
Frank Carlee

Alva Oklahoma
27 West 33rd So Salt Lake City Utah
916 W 9th Joplin Missouri
Provo Utah
305 W 6th Corpus Christi Texas
Billings Montana
Dothan Alabama
Rt 1 Phoenix City Alabama
Rt 4 Little Rock Arkansas
Selma Alabama

Douglas R Carlson
Bob & Don Chalker
B R Chapman
George Cissell
B G Couser
T W Craton
Darrell Crimmins
Claude Curry
Dia T
Phil Donehoo Jr
Downey & Barnes
Woodrow Edwards
R T Floyd
Glenn Fox
C R Freeman
George W Gammel
Manuel Garcia
B O Gentle
C C Gentle
L M Giddins
Golden State Winery
J C Goodman
John Goodnight
Lyle V Gould
Lee L Gray
Arthur Green
Greenwood Products
John Hall
S P Hampton
J Harnden
Harold's Junk Yard
W H Hart
Darrell J Henthorn
Roy Hickerson
J E Holland
R W Hunsberger
Roy P James
Eugene Jenkins
Jones Brothers
C C Jones
Clifford Jones
N D Jordan
Leo Katich
C W Kaub
Billy Keen
Kent Mfg Corp
J Kroup
Kenneth Lynch
Charles Lock
Lowen & Lowen
Malone Construction
J D Markham
D L McGuire
Max Medley
Clarence E Meyers
Robert Miller
F J Mitchell
Mountain States Distr Co
Tony Napolis
Virgil Neece

120 West 5th St Deluth Minnesota
San Bernadino California
2969 Gill Road Memphis Tenn
Los Angeles California
Anniston Alabama
Holdredge Nebraska
Los Angeles California
224 E Main St Woodward Oklahoma
Salt Lake City Utah
Atlanta Georgia
Fayetteville Arkansas
Phoenix Arizona
110 A 6th St Blakely Is Mobile Ala
Logan Texas
San Ford Florida
Lockport Illinois
San Antonio Texas
San Antonio Texas
San Antonio Texas
Lakeland Florida
Los Angeles California
619 Magdlin San Angelo Texas
Mobile Alabama
1502 Center Sioux City Iowa
Sacramento California
P O Box 271 Durango Colo
Gracefield Florida
128 N W 20th Miami Florida
Dallas Texas
Modesta California
Rt 3 La Junta Colorado
Opalouse La
Gainesville Texas
Omaha Nebraska
Vicksburg Mississippi
Garden City Kansas
Monte Vista Colorado
Phoenix City Alabama
Tampa Florida
Fayette Ala
El Paso Texas
Hutchinson Kansas
Phoenix Arizona
Chicago Ill
Missoula Montana
Chester Town Mo
Albuquerque New Mexico
Maryville Missouri
Battle House Mobile Alabama
McPherson Kansas
Rt 3 Golden Colorado
Burrley Kansas
Mobile Ala
Edinburg Texas
4th & Madison Phoenix Arizona
Pasadena California
Phoenix Arizona
308 W Marshall Midwest City Oklahoma
Jacksonville Fla
Little Rock Arkansas

John L Newberry
Reggy Nickel
Harvey Nielsen
M C Otwell
John Owens
John L Owens
G L Ranks
R W Rayburn & Co
Rieffer Brothers
Rockwell Mfg Co
Marcos Salinas
C P Sanders
Theodore Scott
Select Lumber Company
Shapiro Fisheries
I M Sharp
Al Smith
C L Sprirling & R L Brady
Standard Transportation Co
J E Stone
Storm Mountain Wood Products Co
Leon Struyt
W K Stultz
H L Tucker
Bill Williams
Woodrow Wilson
A G Wise Jr
Fred Witte
N A Yarbraugh

Las Cruces New Mexico
Mineral Wells Texas
3825 East 4th Ave Denver 6 Colo
7305 W 13th Ave Lakewood Colo
Houston Texas
7th & Faron Sts St Joseph Mo
1201 19th St Wichita Falls Texas
Phoenix Arizona
Albuquerque New Mexico
689 Blvd Dubosi Texas
San Antonio Texas
Ft Worth Texas
Vallejo California
% First National Bank Springfield Colo
302 E 83rd St Chicago Ill
Brown Hotel Julesburg Colorado
Amarillo Texas
1536 Budd Ave Macon Georgia
Salt Lake City Utah
Winston Salem North Carolina
Box 132 Grand Lake Colo
6925 S Gordon Chicago Ill
Omaha Nebraska
Arkansas City Kansas
Palestine Texas
General Delivery Jacksonville Texas
R F D # 1 Fayette Arkansas
2001 East Main Enid Oklahoma
Glayton New Mexico

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

That this order shall become effective on the 26th day of December, 1950.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

~~SECRET~~

~~SECRET~~, Secretary

Dated at Denver, Colorado,
this 15th day of December, 1950

gtj

Ralph C. Holton
John R. Barry
John R. Barry

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Aaron Bros Motor Sales	12th & Lincoln Evanston Wyo
Adams Bros Garage	Walsh Colorado
Albuquerque Hudson Inc	710 S 4th St Albuquerque N M
Alexander Scott	Roosevelt Texas
Alledin Produce	5455 Hyde Park Blvd Chicago Ill
Allen B C	Rt 4 Jefferson Texas
Geo H Allen dba Allen Construction Co	2000 S Acoma Denver 10 Colo
Allied Milling & Lumber Mfg Co	2317 E 40th Av Denver 5 Colorado
Aluminum Home Products	Knoxville Tenn
American Desk Mfg Co	18 Avenue D Temple Texas

Rex H Anderson & Wayne G Miller dba Anderson Industries	100 Cass Ave Bay City Mich
O Fred Anderson dba Anderson Jersey Dairy	Rt 1 Ex 109 Ft Lupton Colo
W G Andrews	5002 Wipprecht St Houston Texas
L M Arnett dba Arnett Les & Co	Gunnison Colo
Arnold Milton C	Sunset La
Artesia Alf Grovers	Artesia N Mex
Austan Pepsi-Cola Co	80 Red River St Austin Texas
B V Trailer Sales	1016 Crescent St Menomonee Wisc
Bailey Fred	Lake Charles La
Baker Service	Aurora Nebr
Ballinger Robert E	Ex 12 Lometa Texas
Cardiel E D dba Banana Supply Co of Texas	218 Produce Row San Antonio Texas
Randa Rafael R	Asherton Texas
Barlow Motor	211 S Dodge Dodge City Kans
Barnes Cecil	Herrin Ill
Basin Motor Co	Farmington N Mex
Bates J T	Winter Park Fla
Beagley G H	103 W 31st South Wichita Kans
Bearden Charles C	2141 N Weller Springfield Mo
Beckey & Harvey	214 Bedford Way Bakersfield Calif
Bennett S L	Gainesville Texas
Benson B G Benson Motors	348 N Minden Minden Nebr
Beedigheimer Jack	Ex 31 Perham Minn
Bessent C O	Gen Del San Saba Texas
Beavers Motor Co	2406 3rd Pl Lubbock Texas
Deyl Dorothy	14th & H Cozad Nebr
Billings H W & Cherry Raymond dba Billings & Cherry	Springfield Colo
Blagg Gilbert & Brister Therman	616 E 17th Av Denver 5 Colo
Blake Fred H & Olive	4302 Fillmore Denver 16 Colo
Blumoff David	1815 N 9th St St Louis Mo
Bookless C S	Tyrone Okla
Bostick Guy	Lake Alfred Fla
Hickey H J & Tanner Guy J dba Boulder Tire & Battery Dist. Co.	1348 Walnut Boulder Colo
Bowman Cattle Co	Maquoketa Iowa
Boyd Kenneth N dba Boyd Black Plant	522 S Miller Av Farmington N Mex
Boyer E P Lumber & Coal Co	24th & Boyd Omaha Nebr
Brackeen P E	511 N High St Brady Texas
Bridgers C E	Auto Fountain Bonnettsville S C
Felicebrino Louie dba Brino Agency	511 Main St Walsenburg Colo
Rock E C	722 N Townsend Montrose Colorado

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

That this order shall become effective on the 26th day of December, 1950.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Secretary

Dated at Denver, Colorado,
this 15th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Brooks County Produce Co
Broom L D
Brown C R
Browning W C
Bryant R
Buckman Lawrence
Builrite Metal Prod Inc
Burk's Nursery
Burrell Quinn W
Burrows Ray

Falfurrias, Texas
Whitt Texas
10 McCrary St Greenville S C
Breckenridge Texas
King City Mo
Ashland Ill
2334 Larimer St Denver 2 Colo
Dodge City Kans
Meeker Colo
Bx 158 Alamosa Colo

-2-

Busick Kenneth
 Calcasieu Lumber Co
 Callahan Earl R
 Callahan C C
 Cannon H P Wholesale Fireworks
 Capps Sterling
 Carriwell Produce
 Carter Glen
 Castle Walter
 Central Chevrolet Co
 Johnson Wilford, Dean and Don dba
 Chief Mfg Co
 Chism Kenneth L
 Clements Otis
 Cody John H
 Cohn Brothers
 Colby Alva A
 College Inn Food Prod
 Collinsworth J P
 Colorado Liquid Fertilizer
 Combs Hoyt
 Commercial Home Equipment Corp
 Cook C B
 County Produce
 Cox C J
 Cox Phillip
 Coy Clarence
 Crown Roofing Co
 Cumming Robert & Gordon dba
 Cumming Landscape & Floral Co
 Cunningham Auto Sales
 Cunningham J C
 D & R Pontiac
 Daffern Bill
 Dairy Belt Cheese & Butter Co
 Drumm M
 Davidoff Harry
 Davis Repair Shp
 David E Davis dba Davis Service
 Deatherage M O
 Denver Motor Finance Co Inc
 Dillon Battery

1335 Bellaire Amarillo Texas
 Austin Texas
 Bx 42 Idledale Colo
 Roswell N Mex
 2815 Stanford Dallas Texas
 Bx 55 Lometa Texas
 Johnson Kans
 Brook Line Mo
 Rt 12 Grand Junction Colo
 Brigham Utah
 1145 S 6th West Salt Lake City Utah
 112 1/2 W Grand Clovis N Mex
 321 Clement St Birmingham Ala
 Hammond Wis
 Bx 1305 Taos N Mex
 Rt 1 Evergreen Colorado
 4301 S Ashland Av Chicago Ill
 500 Archer Dallas Texas
 Manzanola Colo
 Johnson Ark
 1 N LaSalle St Chicago Ill
 20346 Center St Hayward Calif
 Comanche Texas
 East Prairie Mo
 2101 S 42nd Omaha Nebr
 Two Buttes Colo
 2235 S Main Salt Lake City Utah
 2040 Roanoke Colorado Springs Colo
 8th & W Central Albuquerque N Mex
 Walsh Colo
 Imperial Nebr
 Bx 334 Wiley Colo
 Spencer Wisc
 1921 Champa St Denver 2 Colo
 4443 S Greenwood Av Chicago Ill
 Ramah N Mex
 Eagle Colo
 Rt 2 Las Animas Colo
 774 Broadway Denver 3 Colo
 701 Corning Des Moines Iowa

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

That this order shall become effective on the 26th day of December, 1950

(S E & L)

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Secretary

Dated at Denver, Colorado
 this 15th day of December, 1950

Ralph C. Nelson
John R. Barry
Joseph W. Stewart

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Dishman O I
Diven Bryan
Donalson K C
Drilling Jack
Dunbar Mfg Co
Dykes G C
Eads Hide & Wool Co Inc
Economy Used Cars
Frakes Ed dba Ed's Used Cars
Edwards Andy J

Campo Colo
Rt 2 Fayetteville Ark
4322 Elm Long Beach Calif
Edinburg Texas
Berne Ind
229 E Texas Bossier City La
Bx 461 Amarillo Texas
22 Auburn Pontiac Mich
Gering Nebr
Hansfield Mo

-2-

Williams Joe	San Saba Texas
Elliott John J Jr	1085 S Locust Denver 7 Colo
Elmore W V	Priona Texas
Esteen Lawrence	Ulysses Kans
Evans Motor	6000 W Colfax Denver Colo
Evans R D	112 E 6th St Roswell N Mex
Farm Equipment Co Inc	1201 S Atkinson Roswell N Mex
Farnlacher Frank	Rt 1 Westerville Ohio
Feight Daniel H	655 Santa Fe Dr Denver 4 Colo
Fellers Motor Co	Shland Kans
Fish Unlimited Inc	Augusta Kans
Fistell Oscar E & David N dba	
Fistell's Radio & Electrical Supply Co	1065 Broadway Denver 3 Colo
Fore J K	Hereford Tex
Fossett Ted	1101 E Overland El Paso Texas
Foster L G, Atkinson Ivan R & Martin Daniel dba	
Foster Atkinson & Martin	1060 Grand Delta Colo
Frazier Ray	5316 Denison Muskogee Okla
Freeman J C	1637 Brae Burn Dr Atlanta Ga
Freeman Transfer	Nickerson Nebr
Fullbright & Johnson	Bell Garden Calif
Gagnon Motor	Bx 62 Grainfield Kans
Garza Alejandro	Ashton Texas
Garza Z C	Bx 462 Morton Texas
Gassner Lewis C Sr & Lewis C Jr dba	
Gassner & Son	3771 Newton St Denver 11 Colo
Gaylor Boxes	Dallas Texas
Gibson T B	2215 Rice Av Albuquerque N Mex
Griffin Motor Co	So State Salt Lake City Utah
Giles Jesse Ray	Gen Del Cortez Colo
Gillatly Harold	Bridge St Hotchkiss Colo
Gipson Marvin B	415 S Drive Miami prings Fla
Glenn Raymond O Jr dba Glenn's Adv Agcy	517 Main St Delta Colo
Gonzales Jesus	Bx 503 Uvalde Texas
Goodnight John E	903 W Adalee Tampa Fla
Gordon Clark E & Clark B dba	
Gordon Supply Co	Bx 308 Moab Utah
Grace Edward J dba Grace Trucking Service	1160 N Jackson Casper Wyo
Grace W E Mfg Co	6000 S Leman St Dallas Texas
Bergner James B & Petro Jack O dba	
Grandview Super Market	7505 Grandview Arvada Colo
Great Western Tire Co	856 Broadway Denver 3 Colo
Green D L	Dos Palos Calif
Grenard Morris	1019 SE 29th Oklahoma City Okla
Greyson Edward B	201 S 2nd Lamesa Texas

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

That this order shall become effective December 26th, 1950

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Secretary

Dated at Denver, Colorado,
this 15th day of December, 1950

Ralph C. Holton
John R. Barry
Joseph T. Hecox

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Grimes L H
Gunther-Martin Chevrolet Co
Hazleton Marion H dba H & W Dairy
Habco Mfg Co
Hackney F C
Hackney Wayne
Hall G H
Halters Pretzel Inc
Hamrick Floyd Ohmor
Haney William Arnold

1706 Scott Little Rock Ark
Attica Kans
Monticello Utah
Columbus Nebr
207 Ash St Plainview Texas
5524 E Belknap Ft Worth Texas
1811 - 5th Lubbock Texas
1277 Dueber Av Canton Ohio
Rt 11 Grand Junction Colorado
Rt 1 Bx 74 Boulder Colo

Harco Corp	2156 E 4th St Cleveland Ohio
Harrell Macy	Sanford Fla
Hart S D	Leesburg Fla
Harvey Fred	Albuquerque N Mex
Hastings Fixtures	Hastings Nebr
Haynes Frederick	7115 San Miguel Sr San Diego Calif
Helvie Arthur	4424 S 60th Av Omaha Nebr
Henderson O A	Groesbeck Texas
Henslee Bobby	Mansfield Mo
Hempel Burton H	2429 Donphan St St Joseph Mo
Herrera Edward	Raton N Mex
Heiser L J	Bx 806 Greeley Colo
Hicks Bill & Rogers Con dba Hicks & Rogers Sawmill	Romeo Colorado
Hitchcock James D	Prady Texas
Shaw Harold J dba Hi-Way Motors	Hi-way 40 Quinter Kans
Holland Nursery	3477 Highland Dr Salt Lake City Utah
Holmes Chevrolet Co	Meade Kans
Holstine Rubber Co	Hartford Conn
Horn Glenn E	718 Englewood Chicago Ill
Huntrese Roger	Lingrove Iowa
Hutchins Walter	4638 Veterans Dr Dallas Texas
Ingram E J	Whitt Texas
Inman Burke	Bx 935 Hereford Texas
Schillinger L E & Pruitt Max A dba Insuplasters	1416 Speer Blvd Denver 4 Colo
Irwin Leon A	302 Main Canon City Colo
Jack's Auto Service	Rt 2 Bx 673-B Pueblo Colo
Jackson Frederick E	5037 S 24th St Omaha Nebr
Jackson Grady C	1120 Hughes St Ft Worth Texas
James Leslie S	Brush Colo
Jennings W L	1417 Main Brownwood Texas
Johnson Ivan R	Rt 1 Bx 28 Blanca Colo
Johnson Truck Line	612 6th Av West Spencer Iowa
Johnston P C	Bx 602 Wheatland Wyo
Jolitz Lloyd T	1923 Ogden Denver 5 Colo
Jones Chilton A	109 W Roslington Albuquerque N Mex
Jones E E & Murry H H	Artesia Colo
Jones Ernie dba Jones Ernie Auto Sales	Hiway 54 at Mill Eldon Mo
Jones Motor Co	3226 E Central Albuquerque N Mex
Jarmon Seldon & Darwin J dba Darwin Produce Co	400 W Garland Grand Saline Texas
Marth Marvin	3930 W 61st St Chicago Ill

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

That this order shall become effective on the 26th day of December, 1950

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Secretary

Dated at Denver, Colorado,
this 15th day of December, 1950

hss

Ralph O. Holton
John R. Barry
Joseph W. McCoy

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Kee T L
Kelewood Hubert
Kelly O D
Kemp Nick & Sons
Kemp W W (Dr)
Kendall H C
Key Joseph Eugene
Keystone Trailer & Equipment Co Inc
Kirsch A G
Kirshmer A C Inc

Yates Center Kans
Shiprock N Mex
RFD #2 Edinburg Texas
1128 Harris Ft Worth Texas
Bx 532 Delta Colo
Bx 45 Hayden Colo
Rt 5 Grand Junction Colo
1501 Guinotte Av Kansas City Mo
Benkelman Nebr
Burlington Colo

Knapheide Mfg Co Inc (The)	600 State Quincy Ill
Kandison-McKenzie Inc	Hi-way 24 Colby Kans
Kuhlmann Julius	Smith Center Kans
Kurland-Wyoming Motor	821 E 16 Cheyenne Wyo
Langley Guy L	715 19th St Golden Colo
Lawson C L	Hallettsville Texas
Marchant La Vonne dba Leadville Gas Service	Leadville Colo
Lee Everett	Pecos Texas
Leon Pete	948 D St Salida Colo
Lienemann Harold	Rt 1 Lyman Nebr
Lindley Furniture	Borger Texas
Little EM	Abilene Texas
Litzinger Joseph J	3640 Morrison Denver Colo
Lock Jesse	Kissimmee Fla
Loewenstein Robert	2420 Avenue Kearney Nebr
Long Delbert H & Harry E dba Long's Auto Service	Yuma Colo
Looper George	Friona Texas
Loskill Auto Sales	218 S Elm St Hastings Nebr
Luna Brick & Coal Co	6201 Jackson St Las Vegas N Mex
Lyon Lester	Gen Del Eads Colo
Lyons Wiley	Bowie Texas
Major Equipment Co	Cambridge Ohio
Mancheck Jack	1005 1/2 Yorkshire Houston Texas
Marchall William Elliot & George	Fountain Colo
Martinez Claudio	Poth Texas
Massey Supply Corp	1107 Commerce Bldg Kansas City Mo
Mayhew Max A	Rensselaer Ind
Maytag Company	Newton Iowa
McCall Arthur	Yuma Colo
McCarter Grain Co	Bx 375 Kerens Texas
McCormick H	Okla City Okla
McCroden John	Ogallala Nebr
McCune Harold	Burlington Colo
McFarland Sam	13679 Terrabelle Pacoima Calif
McGinn Noble E	Rt 1 Caddo Mills Texas
McGinness Marlin W & Patrick Phillip E	494 S Vine Denver 9 Colo
McLaughlin Lee H	1302 1/2 W 3rd St Sanford Fla
Taylor Bob K., Decker Claude, Slade Virgil,	Slade Francis d/b/a
Mesa Mercantile	Red Mesa Colo
Mettilen & Lukas	Lucas Kans
Midwest Egg Terminal	110 E 2nd Hastings Nebr
Midwestern Produce Co	402 S Crestway Wichita Kans
Millard David	207 Hicks Av Winslow Ariz
Millard Forrest S	1619 Gillette Des Moines Iowa
Miller P D & Smith Mortis W dba Miller & Smith	500 W Phoenix Albuquerque N Mex
Mission Motor Co	745 Mill Av Tempe Ariz
Missouri Valley Trans Co	Sioux City Iowa
Mize Bros Produce	17th & Scott Little Rock Ark
Mize & Lawson	Little Rock Ark
Keller Joseph & Frances dba Mobile Trailer Sales	6401 N Federal Denver 11 Colorado
Modernistic Industries	1230 E 109th St Los Angeles Calif

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

That this order shall become effective on the 26th day of December, 1950

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hinton
John R. Barry
Joseph C. Hinton

Dated at Denver, Colorado,
this 15th day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Monaghan J H & N M	Rt 1 Derby Colo
Kilgore L H., Monaghan J H & N M dba	
Monaghan & Kilgroe Construction Co	7991 W 6th Av Lakewood Colo
Monaghan J H., N M & Smith Harold C dba	
Monaghan & Smith Construction Co	Rt 1 Derby Colo
Montgomery Chev Co	Shamrock Texas
Cerise G B dba Montrose Packing & Poultry Co	RR 1 Montrose Colo
Moody H A & H F	526 Wood St Waco Texas
Moore L H Canning Co	McAllen Texas
More John A	Gunnison Colo
Moreno C	Bx 666 Monte Vista Colo
Morgan Buck	Rt 2 Columbia Ohio

-2-

Mosier Motor Co
 Motor City Sales
 Mud Control Laboratories
 Munday Trucks & Tractors
 Murphy P
 Klipfel Herman Mutual Machinery Co
 Nashun Mfg Co
 National Adams Co
 Nielson Auto Appliance
 Northeast Equipment Co of Colorado
 Novill J L
 Oklahoma Explosive Co
 Onken Harold dba Onken Motor Co
 Onstott M C
 Overton Boyd
 Padgett T A
 Palmer Jack P dba Palmer's Bargain Lot
 Paradiso Emilio
 Parker D L
 Patch M E
 Patterson Calvin & Leatherwood Bill
 Pederson Pete
 Penny Irven
 Perkins Lester A
 Peterson Frankie
 Pfeil LeRoy
 Phegley James J
 Phelps Bros
 Phillips Produce
 Pilley C C
 Pirkle Otto
 Pitts J W
 Plum John
 Pond Wm
 Pop Corn Honey & Prod
 Powell Implement Co
 Powell's Wholesale Fruits & Vegetables
 Prairie Kist Foods
 Prickett Charles M
 Produce Dealer Inc

Benkelman Nebr
 3rd & Vermont Los Angeles Calif
 Bx 308 Roosevelt Utah
 Munday Texas
 3204 Edwards Av Bakersfield Calif
 410 E 7th Pueblo Colo
 Nashua Mo
 2808 N Main Ft Worth Texas
 American Fork Utah
 219 N Front St Sterling Colo
 Loveland Tex
 Bx 1392 Okla City Okla
 1st & Lincoln Hastings Nebr
 San Saba Tex
 Gen Del Bayfield Colo
 205 W Pa Midland Tex
 2981 S Broadway Englewood Colo
 500 S Beach Trinidad Colo
 302 N E 6th Av Mineral Wells Tex
 500 W 2nd Winslow Ariz
 Stilwell Okla
 Bx 352 Lemmon S Dak
 Bx 124 Marble Falls Tex
 Seiling Okla
 Apt 26 Lane H Gardendale Garden City Kans
 Fredericksburg Tex
 Rt 2 Carlisle Ind
 1416 Willamette Eugene Ore
 1341 N Euclid Av St Louis Mo
 Bx 61 Tucumcari N Mex
 2475 S Archer Av Chicago Ill
 Atoka Okla
 Bx 143 Simla Colo
 Foreman Ark
 Wall Lake Iowa
 Bx 402 Benkelman Nebr
 5095 Esplanade Cuero Tex
 Dallas Tex
 Bx 602 Lindale Tex
 Edinburg Tex

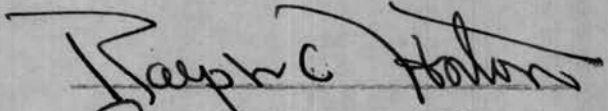
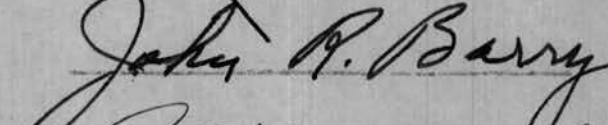
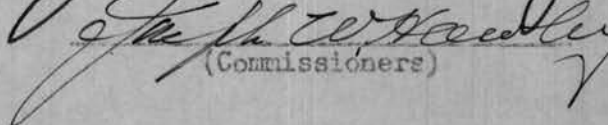
before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 26th day of December, 1950

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 15th day of December, 1950




 (Commissioners)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Quigley Bob	Ex 57 Monticello Utah
Rain Chief	Grand Island Nebr
Randles G C	1625 Clark Parsons Kans
Rathbun C W Co	800 W Grand Okla City Okla
Crabtree E Ray dba Ray's Trailer Sales	109 Sonoma Blvd Vallejo Calif
Rhodes Cliff & Shay Jas D dba Reddi-Wip Co	of N Mex 918 W Tijeras, Albuquerque N Mex
Redmon Trailer Co	Alma Mich
Reeves Jack E	Gen Del Pharr Tex
Ricketts Cloyd dba Ricketts Chevrolet	Winona Kansas
Riley Used Cars	Dodge City Kans
Rishling George	Oshkosh Nebr

Roadmaster Co
 Robb Livestock
 Rodgers Bob H
 Rolle Jack S
 Roope Delmar W
 Rosenfield Harold
 Roto Flo Mfg Co
 Royal Crown
 Ruthardt Henry J
 Ryan Mike
 Sanborn Frank L
 Sanders Bros
 Phillips George dba San Luis Valley Auction Co
 Sattler John
 Schallenberg Lewis
 Scott Caius D
 Seifert George
 Seitz Dist Co
 Settle M B Jr
 Settle H B
 Shames M
 Shapiro George
 Shear Fred L
 Sherman Emmett
 Shipworth Kenneth W
 Shumaker Jim
 Siebert Fred
 Simpson George R dba Simpson Coal Co
 Simpson Fred
 Sioux Honey Ass'n
 Sisson Tom H
 Smith Albert S
 Snider Motor Co
 Snithers Bert
 Southern Canning Co
 Southwest Equipment Co
 Southwest Motor Sales Corp
 McCoy E L & Morrison Lonnie dba
 Southwestern Food & Sales Co
 Sowers Melvin
 Sperry W D dba Sperry Motor Sales
 Stanley's Inc
 Lianeberger Thos H & Shade Sam E dba Itzen
 State Glass Co
 Stenglein Charles A
 Sternes A H
 Stevens W M
 Stiggins Walter Cad

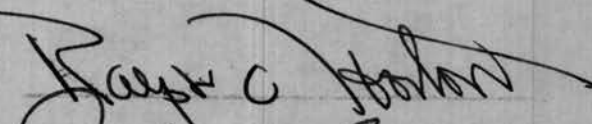
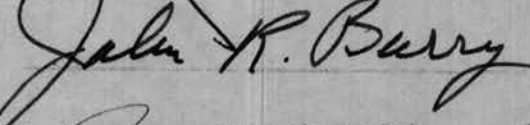
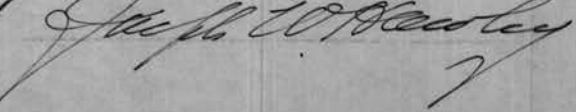
El Monte Calif
 Esterville Iowa
 2504 N Shore Lane Corpus Christi Tex
 Amarillo Tex
 Dolores Star Rt Cortez Colo
 Walden Colo
 Old Jefferson Highway Minneapolis Minn
 Roswell N Mex
 207 W 105th Los Angeles Calif
 1365 W Byers Denver 9 Colo
 Carbondale Colo
 Marshall Ark
 Bx 630 Monte Vista Colo
 Covington Okla
 McCool Jct Nebr
 5601 Lamar Arvada Colo
 806 E 8th St Scottsbluff Nebr
 Billings Mont
 Quitaque Tex
 Quitaque Tex
 1558 Newton St Denver 4 Colo
 509 N Aliso Albuquerque N Mex
 Bx 14 Merino Colo
 Griggs Tex
 Holyoke Colo
 Gen Del Albany Tex
 818 N 8th Av Phoenix Ariz
 514 N Wall Farmington N Mex
 Edinburg Tex
 1530 Center St Tacoma Wash
 Palisade Colo
 Rt 2 Alamosa Colo
 Bx 109 Logan Kansas
 Gen Del Edinburg Tex
 Highland Tex
 Bx 934 Ft Worth Tex
 501 E "B" St McCook Nebr
 1110 W Central Av Bayard N Mex
 Brady Tex
 420 S Broadway Denver 9 Colo
 Alamogordo N Mex
 C L Sr dba
 1616 Main St Goodland Kans
 Valley Nebr
 Lindale Tex
 9050 E Imperial Downey Calif
 Delta Colo

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

That this order shall become effective on the 26th day of December, 1950

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Filed at Denver, Colorado,
 1950 day of December, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

December 15, 1950

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

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

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

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

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

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

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

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

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Stone C T	313 Park Av Florence So Carolina
Storey Food Products Co	29th & Pacific Av Ogden Utah
Sturm K Richard	4012 N 2nd St Albuquerque N Mex
Sullivan Thomas	Gen Del Outlet Army Stores Denver Colo
Charlie M Tague dba Tague Builders Supply	Vernal Utah
Tague Earl dba Tague's Used Cars	Burlington & G Hastings Nebr
Taylor Dennis	Gen Del Elida N Mex
Taylor I W & Canton Clifford	Gen Del Ft Lupton Colo
Teeter Henry	Walsh Colo
Terrill Clarence	San Angelo Tex
Thomas Irey	Santa Maria Calif
Thomassen Raymond T	107 N Shields Ft Collins Colo

Timney Albert Douglas dba Timney A D Co	306 Smith Houston Tex
Tohe Bennie	Tonatchi N Mex
Topping Duane & Sunderhuse Harold	1041 W 14th Ave Denver 4 Colo
Trailer Hitch Co	524 S Cleveland Hutchinson Kans
Travis I D	Garden City Kans
Triola A Co	14 NE 13th St Okla City Okla
Trujillo Mike	Rt 1 Bx 129 Trinidad Colo
Turvey Gerald W	Eckley Colo
United Furniture Industries	Bx 1805 Salt Lake City Utah
Universal Irrigation Co	21622 Devonshire Chatsworth Calif
Nixon Carl O & Gibson Bill dba	Box
Valley Livestock Commission Co	727 Grand Junction Colo
Valley Steel Products	Centralia Ill
Vanderford K E	2538 S Portland Okla City Okla
Wade Luther	Perryton Tex
Wheeler Jess & Wilford	Waterflow N Mex
Wilfong Fireworks Spec. Co	Bx 871 Ft Worth Tex
Wilfong Walter E	Ft Worth Tex
Williamson F A	Ponta Tex
Willmott Wm C dba Willmott's Used Cars	101 E Fulton Akron Colo
Winter John L	905 SW 26th Okla City Okla
Wolfe Kenneth	2515 Texas St Vernon Tex
Wright Trailer Co	9317 Cottage Grove Chicago Ill
Yarborough A A., John A., & Aaron F dba	
Yarborough A A & Sons	1001 Kansas St Springfield Colo
Yenne Raymon W	Bellaire Kans
Yoder Ernest W dba Yoder Ornamental Iron Co	2810 W Cucharras Colorado Springs Colo
Yount-Hart Trucking Co	2537 N Main St Ft Worth Tex
Zenith Fireworks	Clinton Mo
Baumann Kenneth & Sosnoski Roy C dba	
Baumann & Sosnoski Hide & Fur Co	224 N Whiteside Hutchinson Kans
Yanase Frank T dba Frank's Chicken Pies	2349 7th St Denver 11 Colo
Garst Roswell & Thomas Charles W dba	
Garst & Thomas Hybrid Corn Co	Coon Rapids Iowa
Gutierrez E F & J T	21 N Quincy Tulsa Okla
Miller Effie R dba Millers Gen'l Merchandise	Kline Colo
Nebraska Egg & Poultry Co Inc	325-3rd St David City Nebr
O'Neil Truman	1206 N 4th Lamesa Tex
Oughran L C & James V & Callihan H L dba	
Southwestern Gas & Appliance Co	Dove Creek Colo
Standard Milling Co	1501 4th St Lubbock Tex
Trevenen Elmer	Maybell Colo
Vitaway Inc	Ft Worth Tex
Kidd William	Benton Ark
Moore Joe B & Parkey Lawrence	408 Seward Av Weatherford Tex
Saez A Y	Medina Miss
Leatham R B Jr & Roberts Austin E	c/o Taft Wholesale Farmington N Mex
Samour Bart dba Federal Heating Co	105 S Federal Denver 4 Colo
Bentley L Curtis & Leonard M dba Hi-Way Service	1415 River St Canon City Colo
McVay Donald W	500 Cleveland Av Loveland Colo

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

That this order shall become effective on the 26th day of December, 1950.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Waxed at Denver, Colorado,
this 15th day of December, 1950

Ralph C. Holton
John R. Barry
Walter C. McCreary

original

(Decision No. 35754)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
COLORADO BUS LINES, INC., 321)	CASE NO. 54364-AR
EAST COSTILLA STREET, COLORADO)	PUC NO. 148
SPRINGS, COLORADO.)	
-----)	
RE MOTOR VEHICLE OPERATIONS OF)	
ALBERT SCHWILKE, DBA "SCHWILKE)	CASE NO. 54400-AR
TRUCK LINE," ESTES PARK, COLO-)	PUC NO. 1321
RADO.)	
-----)	
RE MOTOR VEHICLE OPERATIONS OF)	
T. J. ISENBART, HASTY, COLORADO.)	CASE NO. 54413-AR
-----)	PUC NO. 1658
RE MOTOR VEHICLE OPERATIONS OF)	
DAROLD RANCH, 3835 VALLEJO)	CASE NO. 54417-AR
STREET, DENVER, COLORADO.)	PUC NO. 1755-I
-----)	

December 11, 1950

S T A T E M E N T

By the Commission:

On November 9, 1950, in the above-styled cases, the Commission entered orders, cancelling the above-numbered certificates of public convenience and necessity for failure of respondents to file Annual Reports.

Said delinquent Annual Reports have now been filed with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said orders of revocation should be set aside, vacated, and held for naught.

O R D E R

THE COMMISSION ORDERS:

That PUC Nos. 148, 1321, 1658, and 1755-I be, and the same hereby are, reinstated, as of November 9, 1950, revocation orders entered in the above-captioned cases, under date of November 9, 1950,

being hereby set aside, cancelled, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank C. Hinton
John R. Barry
Joseph W. Hecox
Commissioners.

Dated at Denver, Colorado,
this 11th day of December, 1950.

ea