

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

RE MOTOR VEHICLE OPERATIONS OF)
ELMER E. BROWN, 2305 NEBRASKA,)
ST. LOUIS, MISSOURI.)

PERMIT NO. B-3936

October 7, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Elmer E. Brown

requesting that Permit No. B-3936 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: 1

That Permit No. B-3936, heretofore issued to _____

Elmer E. Brown be,

and the same is hereby, declared cancelled effective June 1, 1953.

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

John H. Linchell
 Ralph C. Horton
 Commissioners

Dated at Denver, Colorado,

this 7th day of October, 1953.

me

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EDGAR A. NELSON, 5565 NORTH FEDERAL,)
DENVER 11, COLORADO.)
_____)

PERMIT NO. B-2704

October 7, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Edgar A. Nelson

requesting that Permit No. B-2704 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-2704, heretofore issued to _____

Edgar A. Nelson be,

and the same is hereby, declared cancelled effective September 10, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Joseph C. Nelson
Raymond C. Norton
Commissioners

Dated at Denver, Colorado,

this 7th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. F. SEYSTER, ROUTE 1, ARVADA,)
COLORADO.)

PERMIT NO. B-4356

October 7, 1953

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-4356 be suspended for six months from October 1, 1953.

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 H. F. Seyster, Arvada, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4356 until April 1, 1954.

That unless said H. F. Seyster, Arvada, Colorado, 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

John H. Lincoln
Joseph W. Hawley
Ralph C. Horton
Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. JOE O. ABEYTA, BOX 33,)
SAGUACHE, COLORADO.)

PERMIT NO. C-15273
CASE NO. 66519-INS.

October 2, 1953

S T A T E M E N T

By the Commission:

On September 10, 1953, in Case No. 66519-Ins., the Commission revoked Permit No. C-15273 for failure of respondent to keep effective insurance on file.

Inasmuch as proper filing has now been made,

F I N D I N G S

THE COMMISSION FINDS:

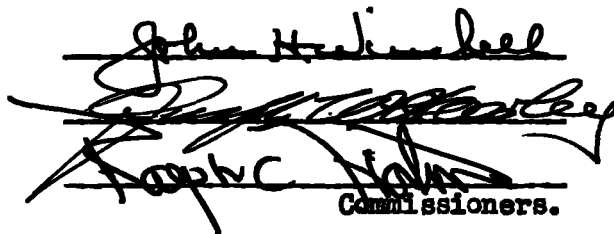
That said order of revocation should be set aside.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered by the Commission in the above-styled case on September 10, 1953, should be, and the same hereby is, set aside, Permit No. C-15273 being hereby reinstated as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. R. WILLIAMS, DOING BUSINESS)
AS "FOREST DAIRY," ROUTE 2,)
LAMAR, COLORADO.)

PERMIT NO. C-23540
CASE NO. 66606-INS.

October 2, 1953

S T A T E M E N T

By the Commission:

On September 10, 1953, in Case No. 66606-Ins., the Commission entered an order cancelling the above-numbered permit for failure of respondent to keep on file the required Certificate of Insurance.

Inasmuch as proper insurance is now on file with the Commission,

F I N D I N G S

THE COMMISSION FINDS:

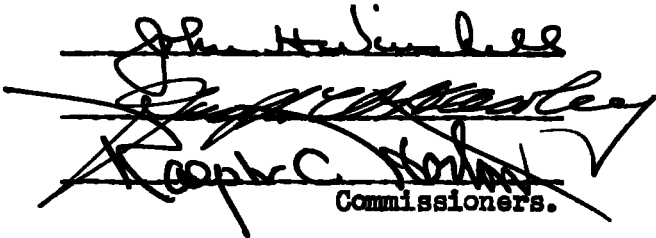
That revocation order should be set aside.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-23540 should be, and the same hereby is, reinstated, as of September 10, 1953, revocation order entered in Case No. 66606-Ins., under date of September 10, 1953, being hereby set aside, vacated and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. R. HODGES, 227 SOUTH HOWES)
STREET, FORT COLLINS, COLORADO.)

PERMIT NO. B-1909
CASE NO. 1232-R

October 2, 1953

S T A T E M E N T

By the Commission:

On September 21, 1953, in Case No. 1232-R, the Commission entered its order, revoking Permit No. B-1909 for failure of respondent to file monthly road tax reports.

Inasmuch as said delinquent reports have now been filed,

F I N D I N G S

THE COMMISSION FINDS:

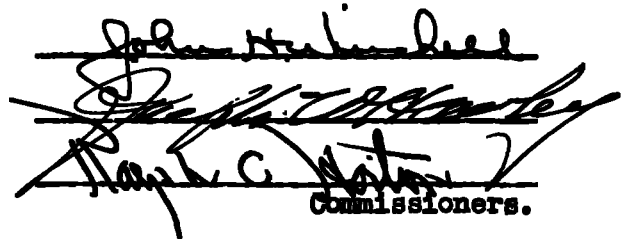
That said order of revocation should be set aside.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered by the Commission on September 21, 1953, in Case No. 1232-R, should be, and the same hereby is, vacated, set aside, and held for naught, said Permit No. B-1909 being hereby restored to its former status, as of September 21, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS OF)
MYRON H. CHESEBRO, ELDORADO,)
SPRINGS, COLORADO.)

PERMIT NO. B-1897
CASE NO. 1231-R

October 2, 1953

S T A T E M E N T

By the Commission:

On September 21, 1953, the Commission entered its order and decision in case No. 1231-R, revoking the above-numbered permit for failure to file monthly reports with the Commission.

It now appears that said delinquent reports have been filed.

F I N D I N G S

THE COMMISSION FINDS:

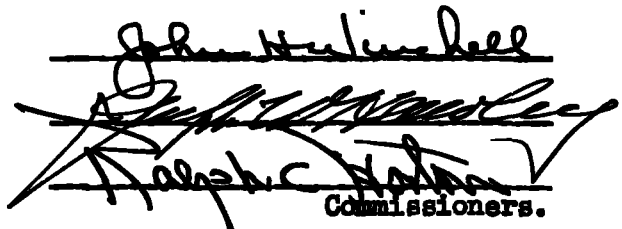
That said revocation order should be set aside.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-1897 should be, and the same hereby is, reinstated as of September 21, 1953, revocation order entered in Case No. 1231-R, under date of September 21, 1953, being hereby set aside, cancelled, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. L. POPE, 2400 SIXTH AVENUE,)
GREELEY, COLORADO.)

PERMIT NO. B-4329

October 2, 1953

S T A T E M E N T

By the Commission:

On April 22, 1953, by order of the Commission (Decision No. 40268), L. L. Pope, Greeley, Colorado, was given authority to suspend operations under Permit No. B-4329 until September 22, 1953, with the privilege of reinstatement.

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

F I N D I N G S

THE COMMISSION FINDS:

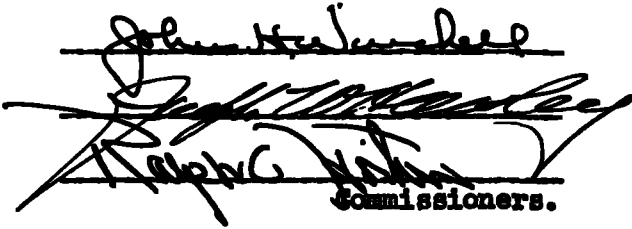
That said request should be granted, permittee having on file the necessary Certificate of Insurance and otherwise having complied with the rules and regulations of the Commission governing private carriers.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4329 should be, and the same hereby is, reinstated, as of September 21, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
R. A. GOODALL, 112 WEST FIRST
STREET, OGALLALA, NEBRASKA, FOR
AUTHORITY TO CONSTRUCT PIPELINE.

APPLICATION NO. 12072
SUPPLEMENTAL ORDER

September 30, 1953.

Appearances: G. J. McGinley, Esq., Ogallala,
Nebraska,
C. H. Anderson, Esq., Brush,
Colorado, and
Akolt, Campbell, Turnquist and
Shepherd, Esqs., by
Robert A. Dick, Esq., Denver,
Colorado, for applicant;
Stockton, Linville and Lewis,
Esqs., Denver, Colorado,
by
John H. Lewis, Esq., Denver,
Colorado, for Omaha-Denver
Express, Inc.;
William T. Secor, Esq., Denver,
Colorado, and
Joseph M. McNulty, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

On September 9, 1953, by Decision No. 41176, this Commission authorized R. A. Goodall to construct and operate an intrastate gathering and transmission system for the transportation of oil by pipeline as a common carrier, from the oil fields now known as "Little Beaver Creek, West Badger Creek, East Badger Creek, South Badger Creek, and Middlemist Oil Fields," located in Washington and Adams Counties, State of Colorado, and the extensions thereof, as hereafter may be defined by the Oil and Gas Commission of this State, to a terminus located at or near Merino, in Logan County, Colorado.

Said Order also specified the size of pipe, the time within which the facilities had to be constructed, and certain other conditions that applicant was to comply with in order to validate the certificate

granted.

On September 18, 1953, a Petition for Rehearing and/or Reconsideration was filed by Stockton, Linville and Lewis, attorneys for Omaha-Denver Express, Inc., who had made an appearance in this matter at the hearing on the above-entitled application. The petition sets forth the grounds upon which this Commission should re-consider its decision.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered the Petition for Rehearing and/or Reconsideration 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 Petition for Rehearing and/or Reconsideration filed herein by Stockton, Linville, and Lewis, attorneys for Omaha-Denver Express, Inc., should be denied.

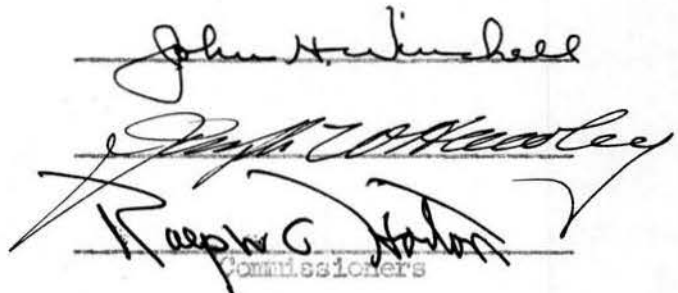
O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing and/or Reconsideration in the above-styled matter, filed by Stockton, Linville, and Lewis, attorneys for Omaha-Denver Express, Inc., should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of September, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE HIGHWAY COMMISSION OF COLO-)
RADO, A PUBLIC CORPORATION, FOR THE)
USE AND BENEFIT OF THE PEOPLE OF THE)
STATE OF COLORADO FOR AUTHORITY TO)
ALTER THE EXISTING PROTECTION DEVICES)
AND TO CONSTRUCT TIMBER PLANKING AT)
HIGHWAY-RAILROAD GRADE CROSSING ON)
STATE HIGHWAY NO. 51 AT OR NEAR UNION)
PACIFIC RAILROAD MILE POST 365.24)
LOCATED IN THE TOWN OF JULESBURG,)
SEDGWICK COUNTY, STATE OF COLORADO.)
-----)

APPLICATION NO. 12531

October 6, 1953

Appearances: J. P. Holloway, Assistant
Attorney General, Denver,
Colorado, for applicant;
E. G. Knowles, Esq., Denver,
Colorado, for Union Pacific
Railroad Company;
J. L. McNeill, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

On August 24, 1953, the Colorado Department of Highways, by Mark U. Westrous, Chief Engineer, filed an application with this Commission, seeking authority to alter the existing protection devices, and to improve the crossing construction at the highway-railroad grade crossing as captioned above.

The matter was set for hearing on September 25, 1953, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and, after appropriate notice to interested parties, including the Mayor, Town of Julesburg, Colorado, and Chairman, Sedgwick County Board of Commissioners, was heard by the Commission, and taken under advisement.

In a prepared statement submitted at the hearing by Mr. E. L. King, Assistant to the Surveys and Plans Engineer of the Department of

Highways, it appears that in this project, designated C 39-3051 - 04 Julesburg, it is proposed to make the following improvements at the railroad crossing area on Cedar Street, being also State Highway No. 51, in Julesburg, Sedgwick County, Colorado:

1. Replace existing flashing light signals with new combination units of flashing light signals having also short arm gates and a bell.
2. Place new timber planking at the rail crossings over the highway.

The following exhibits were submitted to show the proposed work:

Exhibit A: Map of area to show general location of railroad and highways into Julesburg, Colorado.

Exhibit B: Part of standard plan and profile sheet to show more cultural details at crossing and grade line of highway over the track-age near railroad Mile Post 365.24.

Exhibit C: Part of Railroad Station Map to show more details of rail lines, Julesburg, Colorado.

Exhibit D: Copy of Agreement dated April 23, 1953 between the Department of Highways and Union Pacific relative to crossing improvement and new signal protection.

With reference to Exhibit "B", Mr. King explained that after a study of the crossing situation in Julesburg, all data and the general consensus of opinion of interested parties indicated that an installation of flashing light signals with short arm gates and bells would secure a greater degree of protection at this crossing. Sight distances and view of approaching trains are necessarily restricted by various rail facilities including a coal chute and trackage for the storage of loaded coal cars. Sight distances will not be improved, but the functioning of gates and audible warnings will provide a positive indication of approaching trains to the alert motorist.

As indicated on Exhibit "B", the six railroad tracks over the highway consist of two groups of three tracks each. The northerly group consisting of two mainlines and a passing track connection. The south group consists of a switching main, a house track and a connecting crossover.

The northerly trackage is now protected with two automatic flashing light signals without a bell or audible warning. It is proposed that these signals will be replaced by two combined units consisting of standard flashing light assemblies with a bell and short arm gates. The southerly trackage is used for switching operations and the present crossbuck protection will be improved by installation of two reflectorized crossbucks, one on each side of the highway.

Northerly from the crossings, Cedar Street is concrete paved, with asphaltic pavement on the south side of the crossing area. In anticipation of future improvements on State Highway #51 and along Cedar Street, it is also proposed at this time to improve all the track crossings by installation of timber or standard type crossing construction to secure a smooth-riding roadway.

Daily rail traffic consists of some 55 train movements and 25 switching movements over the various crossings. Many of these movements are streamline trains and through freights that do not stop in Julesburg. Maximum speeds are often 60 miles per hour over the crossing. In 1952 the highway traffic volume was in excess of 700 vehicles per day with an allowable speed of 25 miles per hour.

Concerning train movements and signal operation, other testimony was given by Mr. Louis L. Kiehm, Denver, Colorado. Mr. Kiehm is Assistant Signal Supervisor in the Julesburg area for the Union Pacific Railroad.

He explained that Julesburg is located on the main-line trackage serving between Cheyenne, Wyoming, and North Platte, Nebraska. Traffic from Denver, Colorado, also connects with the main line at some distance westerly from the Cedar Street Crossing, so that all through traffic is on main line trackage and will be protected by the proposed gate arm signals. Mr. Kiehm also explained that movements over the southerly group of tracks, which will be protected with reflectorized crossbucks, consist of low-speed switching and train make-up operations carried on under the direction and guidance of a trainmen working on the ground near the crossing.

In connection with the proposed installation of short arm gates, Mr. Kiehm explained that new wiring circuits would be added to provide control of the gates in such a manner that when trains might be stopped short of the crossing, there would be no signal operation, but that any movement over the crossing by that train or another train would cause the signals to operate. It was pointed out that the gates and bells will act as an additional warning and overcome any poor vision of the flashing lights that might be caused by bright sunlight or reflection. The signal units as proposed herein are of standard type and will be operated to comply with accepted warning intervals as generally specified by the Association of American Railroads.

The complete improvement will be in accordance with the specifications of this Commission. Estimated cost of the proposed work is \$12,434.76, which will be paid - 10 per cent by the Railroad Company and 90 per cent by the Highway Department - with maintenance and methods of payment as indicated in Exhibit "D", being the agreement herein. In view of the proposed improvement in protection devices, there are no current plans for separation of rail and highway grades at this crossing.

No objections were presented at the hearing and the files of the Commission do not show any objections to the proposed work.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require the installation of improved flashing light signals equipped with short arm gates and reconstruction of the grade crossings, all as set forth in the preceding Statement, which Statement, by reference, is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That The State Highway Commission of Colorado, for the use and benefit of the People of the State of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity authorizing it to reconstruct

six highway-railroad grade crossings, to remove existing protection devices and to install new combination units of flashing light signals with a bell and short arm gates, at the three northerly tracks, and two reflectorized crossbucks at the three southerly tracks; said crossings being on Colorado State Highway No. 51 (Cedar Street), in Julesburg, Colorado, over the tracks and right of way of the Union Pacific Railroad Company, at its Mile Post 365.24.

That the work to be done, method of payment and maintenance shall be in accordance with the agreement marked Exhibit "D" and as further indicated in the above Statement and Exhibits "A", "B" and "C", all of which, by reference, are made a part hereof.

That the crossing shall also be protected with reflectorized advance warning signs, said signs, crossing construction and protection devices, shall all be installed in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

This order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. W. HENRY, DOVE CREEK, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

APPLICATION NO. 12122-PP
SUPPLEMENTAL ORDER

October 7, 1953

Appearances: Julian P. Hancock, Esq.,
Cortez, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

On December 24, 1952, by Decision No. 39909, C. W. Henry,
Dove Creek, Colorado, was authorized to operate as a Class "B" private
carrier by motor vehicle for hire, for the transportation of:

uranium, vanadium and other ores used in the
production of atomic materials, including
carnotite ores, from pits, ledges, veins and
mines and places where the same is found and
mined to mills and reduction works in and
within a radius of 150 miles of Dove Creek,
Colorado.

Subsequent thereto, Decision No. 39955, of date January 12,
1953, was entered by the Commission, at request of applicant, cancelling
said operating rights, applicant having informed the Commission that due
to ill health he would be unable to operate thereunder.

It now appears that applicant's health has greatly improved,
and he is desirous of instituting operations under authority granted by
Decision No. 39909. He requests that said operating rights be reinstated.

F I N D I N G S

THE COMMISSION FINDS:


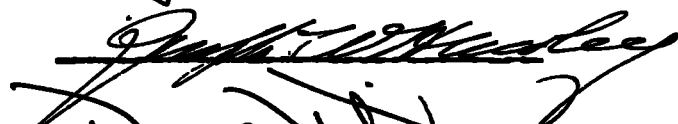

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 39955, of date January 12, 1953 (cancelling operating rights granted by Decision No. 39909, of date December 24, 1952), should be, and the same hereby is, vacated, set aside, and held for naught, authority granted by said Decision No. 39909 being hereby restored to active status, as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
A. D. THORSON, DOING BUSINESS AS)	
"A. D. THORSON TRAILER SERVICE,")	
3297 SOUTH SANTA FE DRIVE, ENGLE-)	APPLICATION NO. 12525
WOOD, COLORADO, FOR A CERTIFICATE)	<u>SUPPLEMENTAL ORDER</u>
OF PUBLIC CONVENIENCE AND NECESSITY.)	
-----)	

October 7, 1953

Appearances: Robert H. Close, Esq.,
Denver, Colorado,
for applicant;
Theodore J. Adams, Esq.,
Denver, Colorado, for
Lester W. Todd.

S T A T E M E N T

By the Commission:

By Decision No. 41163, of date September 10, 1953, applicant herein was granted a certificate of public convenience and necessity for the transportation of:

private house trailers from point to point within
a radius of fifty miles of Denver, Colorado.

The Commission is now in receipt of a communication from applicant, requesting that said operating rights be limited to "tow-away service," only.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 41163 should be amended, as requested by applicant herein, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 41163, of date September 10, 1953, should be, and the same hereby is, amended, nunc pro tunc, as of said 10th day of September, 1953, by inserting the words "in tow-away service, only," immediately following the words "private house trailers," appearing in the

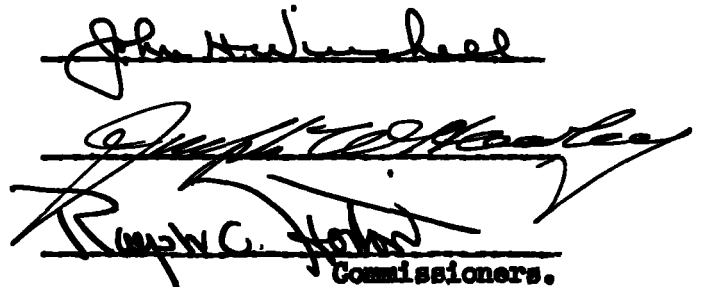
fourth line of the first paragraph contained in said Decision No. 41163, appearing on Page 3 thereof, so that the first paragraph of the Order contained in Decision No. 41163, as amended, shall read as follows:

***THE COMMISSION ORDERS:**

"That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of A. D. Thorson, doing business as 'A. D. Thorson Trailer Service,' Englewood, Colorado, for the transportation of private house trailers, in tow-away service, only, from point to point within a radius of fifty miles of Denver, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor."

That, except as herein amended, said Decision No. 41163 shall remain in full force and effect.

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


Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. P. STEWART, DOING BUSINESS AS)
"PLAINS SHEET METAL & ROOFING CO.,")
210 NORTH FLORIDA STREET, AMARILLO,)
TEXAS.)
-----)

PERMIT NO. C-29487

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

W. P. Stewart, dba "Plains Sheet Metal & Roofing Co."

requesting that Permit No. C-29487 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29487, heretofore issued to _____

W. P. Stewart, dba "Plains Sheet Metal & Roofing Co." be,

and the same is hereby, declared cancelled effective September 28, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell

Philip E. H. H. H.

R. C. H. H. H.
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DONALD R. & ELLEN M. CARLSON,
WOODLAND PARK, COLORADO.

PERMIT NO. C-29414

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Donald R. & Ellen M. Carlson

requesting that Permit No. C-29414 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29414, heretofore issued to _____

Donald R. & Ellen M. Carlson _____ be,

and the same is hereby, declared cancelled effective September 17, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Ralph C. Haddock
Ralph C. Haddock
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ANDREW BEFORT, DOING BUSINESS AS)
"BEFORT MOTOR SALES," HAYS, KANSAS.)
)
)
)
-----)

PERMIT NO. C-29225

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Andrew Befort, dba "Befort Motor Sales"

requesting that Permit No. C-29225 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29225, heretofore issued to _____

Andrew Befort, dba "Befort Motor Sales" be,

and the same is hereby, declared cancelled effective September 17, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph W. Hawley
Joseph C. Hord
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
PAUL W., JR. AND CYNTHIA MacDOWELL,)
317 GAYLORD, DENVER 16, COLORADO.)
_____)

PERMIT NO. C-28329

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Paul W., Jr. and Cynthia MacDowell

requesting that Permit No. C-28329 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28329, heretofore issued to _____

Paul W., Jr. and Cynthia MacDowell be,

and the same is hereby, declared cancelled effective September 12, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Joseph W. H. H. H.
Reph C. H. H.
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MAX & FRANCES ROGERS, DOING BUSINESS)
AS "LA BORE SOFT WATER CO.," P. O.)
BOX 384, LA JUNTA, COLORADO.)
-----)

PERMIT NO. C-28250

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Max & Frances Rogers, dba "La Bore Soft Water Co."

requesting that Permit No. C-28250 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28250, heretofore issued to _____

Max & Frances Rogers, dba "La Bore Soft Water Co." be,

and the same is hereby, declared cancelled effective August 30, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Philip C. Hanson
Raymond C. Hanson
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EVERGREEN GAS & EQUIPMENT, BOX 6657,)
STOCKYARDS STATION, DENVER 16,)
COLORADO.)
_____)

PERMIT NO. C-27777

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Evergreen Gas & Equipment

requesting that Permit No. C-27777 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27777, heretofore issued to _____

Evergreen Gas & Equipment be,

and the same is hereby, declared cancelled effective August 16, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Ralph C. Harkness
Ralph C. Harkness

Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
INDUSTRIAL OIL CO., 4111 EAST 57th)
AVE., DENVER 16, COLORADO.)

PERMIT NO. C-26199

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Industrial Oil Co.

requesting that Permit No. C-26199 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-26199, heretofore issued to _____
Industrial Oil Co. _____ be.

and the same is hereby, declared cancelled effective September 27, 1953.

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

John H. Winchel
 Ralph W. Hooten
 Ralph C. Hooten
 Commissioners

Dated at Denver, Colorado,

this 14th day of October , 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD A. STAFFORD, 337 HILL, GRAND)
JUNCTION, COLORADO.)

PERMIT NO. C-23255

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Harold A. Stafford

requesting that Permit No. C-23255 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-23255, heretofore issued to

Harold A. Stafford be,

and the same is hereby, declared cancelled effective September 25, 1953.

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

John H. Linchall
Joseph W. Hawley
Thos. C. Horton
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD E. RODWELL, BOX 231,
FLEMING, COLORADO.

PERMIT NO. C-20361

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Edward E. Rodwell

requesting that Permit No. C-20361 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-20361, heretofore issued to _____
Edward E. Rodwell _____ be,

and the same is hereby, declared cancelled effective August 31, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hines
Philip C. Hines
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE INCREASE IN)
RATES OF THE LEADVILLE WATER)
COMPANY, LEADVILLE, LAKE COUNTY,)
COLORADO.)
-----)

INVESTIGATION AND SUSPENSION
DOCKET NO. 339

October 8, 1953

Appearances: Hughes and Dorsey, Esqs.,
by E. G. Knowles, Esq.,
Denver, Colorado, and
A. J. Laing, Leadville, Colo-
rado, for The Leadville
Water Company;
Robert A. Theobald, Esq.,
Breckenridge, Colorado,
for the City of Leadville;
Jean Breitenstein, Esq.,
Denver, Colorado, and
E. B. Evans, Esq., Denver,
Colorado, for the
protestants;
Wm. T. Secor, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On July 2, 1952, The Leadville Water Company, by Wilbur H. Dewey, Vice-President, filed a schedule of rates, rules and regulations proposing to increase the water rates in all territory served by the Company on all classes of service, said rates to become effective September 1, 1952.

The Company filed for the proposed increase in water rates in compliance with Rule 17 of the Commission's Rules of Practice and Procedure, and in accordance with said Rule, notified all of its customers of the proposed increase.

The City of Leadville and numerous customers of the water company, having protested to the Commission in regard to the proposed increase in water rates, the Commission suspended the matter for a

period of one hundred and twenty (120) days from September 1, 1952, or until December 29, 1952, and later to August 26, 1953.

Hearing was held at Leadville January 13-16, inclusive, 1953, and a subsequent hearing was held at Denver, March 17 and 18, 1953.

Briefs have been filed by the Respondent and the Protestants, and the matter has been at issue before the Commission since August 26, 1953, and the increase of rates has been held in abeyance, pending decision by the Commission.

The matter of rates for The Leadville Water Company has three times before been the subject matter of hearings and orders of the Commission, and the decisions and evidence in those cases are to be considered a part of the record in the present case. These decisions are:

I. & S. Docket No. 46, Decision No. 433, dated
April 15, 1921, 6 PUC 193, PUR 1921-D, 172

I. & S. Docket No. 139:
Decision No. 3347, dated April 15, 1931,
9 PUC 82, PUR 1931-D, 366
Decision No. 3406, dated May 21, 1931,
9 PUC 100, PUR 1931-D, 379
Decision No. 3507, dated July 6, 1931,
9 PUC 103, PUR 1931-D 381
Decision No. 3555, dated July 25, 1931,
9 PUC 107, PUR 1931-E 26, 27
Decision No. 4642, dated October 4, 1932,

I. & S. Docket No. 279:
Decision No. 31877, dated January 10, 1949,
79 PUR (N.S) 427

In said Decision No. 31877, the Commission carefully reviewed the former decisions, and much of the history of the Company, and reference is hereby made to these decisions as they pertain to the history and operation of the Company in general. We do not believe it necessary at this time to go into great detail in regard to the operations of this Company since all interested parties are by now thoroughly familiar with the problem that the water company is confronted with because of the topography, elevation and climatic conditions as they pertain to the City of Leadville and the water company operation.

At the hearing in Leadville in January, 1953, a stipulation was entered into by the interested parties in regard to a reclassification of accounts. This stipulation is quoted as follows:

"That in place of an inventory of the Leadville Water Company as originally requested by Mr. Breitenstein and Mr. Evans, a reclassification of accounts be made by said water company of its accounts. The reclassification to be based on the Vail report in Investigation & Suspension Docket No. 46, supplemented by the Warren G. West report; said West report being Exhibit No. 1 in I. & S. No. 46, further supplemented by the actual records of the water company for the period of time subsequent to said reports.

"In re-classifying its accounts, the Leadville Water Company shall use the Uniform System of Accounts for water utilities adopted by the National Association of Railroad and Utility Commissioners and prescribed by this Commission in Rule 26 of its Rules of Practice and Procedure. That under said classification a list of items in each account and the list of retirements in each account and a list of additions to property in each account shall be made.

"In addition to the re-classification of its property accounts, the water company shall endeavor to allocate its depreciation reserves to items of property in the property accounts so that as a result of this allocation it will be ascertainable to what extent each item has accrued depreciation. A copy of the re-classification of accounts as proposed herein will be furnished each interested party and in addition a copy will be sent to the Commission to be entered as a late-filed exhibit in I. & S. 339 and the company will endeavor to file this exhibit at the same time it furnishes its other late-filed exhibits."

The above stipulation was entered into for the purpose of clarifying once and for all, the status of the water company Plant Accounts, Depreciation Accounts, and Property Used and Useful in supplying water service to the City of Leadville. This reclassification was in lieu of an original cost study since it was felt that the supporting data to be used in the reclassification was sufficiently valid that the results obtained would not be far off from an original cost study without the extra detailed work and expense of making an original cost study.

The Company made the reclassification and while there seems to be some differences of opinion in regard to some of the items as submitted by the Company in the study, the study on the whole has been very helpful to the Commission. As a result of the reclassification, the

Commission is now in a position to make findings that will obviate the necessity of starting each successive rate case with the 1921 Vail Report which was part of the evidence in I. & S. Docket No. 46.

Exhibit No. 48 in the instant matter, was submitted by the Company as a detailed account of all the Plant Accounts in the reclassification. This exhibit, together with a late-filed staff exhibit compiled by Mr. Denny, has been the basis, together with other supplemental exhibits, for the starting point in determining what the Company should be required to show on its books as being the actual plant of The Leadville Water Company, now in use and useful.

Set out below is a description of the Plant Accounts and the dollar amounts in these accounts, showing the accounts as reclassified as of December 31, 1952, and as shown by the annual report dated December 31, 1952, as filed by the Company with the Commission.

Acct. No.	Description	As Reclassified By Company as of 12/31/52	As Filed on Annual Report to Commission as of 12/31/52	Increase or (Decrease)
100-4	Utility Plant held for future use	\$ 7,953.63	\$ -0-	\$ 7,953.63
301	Organization	9,139.91	95.00	9,044.91
302	Franchises	2,666.68	2,666.68	-0-
311	Land and Water Rights	119,005.13	119,882.44	(877.31)
312-1	Source of supply, structures, diverting dams	3,182.22)		
312-11	Collecting & Impounding Reservoirs	91,050.89)		
312-5	Distribution Reservoirs	23,717.79)		
312-6	Genl. & Misc. Struct. & Impr.			
	\$121,459.97	3,509.07)	264,819.21	(143,359.24)
313	Heating Plants	10,978.15	16,371.23	(5,393.08)
320	Purification System	12,096.76	13,973.91	(1,877.15)
321	Transmission System	157,248.46	591.44	156,657.02
322	Distribution Mains	151,841.47	135,169.61	16,671.86
323	Services	8,323.87	4,461.41	3,862.46
324	Meters	1,061.69	2,621.43	(1,559.74)
325	Hydrants	16,201.02	10,251.70	5,949.32
329	General Office Equipment	2,077.26	3,927.60	(1,850.34)
330	Transportation Equipment	4,660.97)		
332	Shop Equipment \$6,196.78	1,535.81)	11,376.41	(5,179.63)
334	Tools & Work Equipment	2,265.16	2,314.42	(49.26)
	TOTAL UTILITY PLANT ACCOUNTS	\$628,515.94	\$588,522.49	\$39,993.45

It will be noted from the above tabulation as a result of the reclassification, the Company has increased its Plant Account by a net amount of \$39,993.45. In view of the fact that the stipulation was to be a reclassification, it is our purpose now to scrutinize very carefully the Plant Accounts to determine whether or not the Company was justified in arriving at its reclassification with a net increase in the Plant Accounts, as heretofore stated.

ACCOUNT #100-4 - UTILITY PLANT HELD FOR FUTURE USE

The above account came into being with the reclassification since there was no such account appearing on the Company books prior to said reclassification. The items making up this account are shown in detail on Exhibit No. 48, Page 4. The total amount in this account is shown as \$7,953.63. This account was necessary since the items in it were found not to be in use at the present time, but the Company felt some of these items at a later date might be returned to service, and at such time they would then be included in the proper Plant Accounts. This account is not properly included in the rate base since the property is not now in use and useful. We wish to make one other comment in regard to this account, and that is that all of the items included in this account except the land, in the amount of \$754.40, are considered as being fully depreciated, and therefore an amount of \$7,198.93 should be earmarked and set aside in the Depreciation Account as pertaining to the various items carried in Account #100-4.

ACCOUNT #301 - ORGANIZATION

In the reclassification, the Company has determined that because the Vail Report mentions the item of organization expense, a reasonable estimate for this expense should be based on 2% of the value of the property as of September 1920, and this amounts to \$9,139.91. On the Company books there has been carried down through the years an item of \$95.00 in this account, and the amount over and above the \$95.00 is an addition arrived at as previously stated. The fact that the Vail Report

did not set forth in detail an item for organization expense is no criterion that we should now allow such an item. That there was an expense for organization is not disputed herein, but since the Company in its original study in I. & S. Docket No. 46 failed to produce substantiating evidence as to organization expense, it is our opinion that these expenses were probably charged to operating expenses as they were incurred. Further, the Commission in I. & S. Docket No. 46 has already determined this matter, and it is not our intent now to place these estimated overheads back in the Plant Accounts and hence in the rate base at this late date. The amount of the write-up of \$9,044.91 will be disallowed, and the correct balance in this account will remain at \$95.00.

ACCOUNT #302 - FRANCHISES

This account shows the unamortized balance of the write-off of the cost of obtaining the franchise. This account is correctly shown at \$2,666.68 -- and no change is proposed.

ACCOUNT #311 - LAND AND WATER RIGHTS

This account was reduced by the reclassification in the amount of \$877.31. This reduction is correct, and was caused by a transfer of the land consisting of five lots on 9th Street, into Account #100-4 - Plant Held for Future Use, in the amount of \$754.70. A portion of one lot was sold after the transfer in the amount of \$50.00, making the amount actually transferred to this account, \$804.70. An item of \$72.50 was retired, and this, together with 11¢ clerical error, make up the total of the change in the account as follows:

Account #100-4	\$754.70
Lot Sold	50.00
Retired	72.50
Clerical Error	.11
Total -	<u>\$877.31</u>

This account is shown in Exhibit 48, Page 7, in the total amount of \$119,005.13. A sub-total is shown for land and rights at \$6,085.53, and protestants in their brief have objected to the Company placing the overheads back in the account when the Vail Report shows this particular amount at \$6,000.00. There seems to be a misunderstanding in regard to overheads

as allowed by the Commission in the past, particularly in regard to the Vail Report and the Commission's Decision No. 433 in I. & S. Docket No. 46. Perhaps, the best way to show why applicant's engineer lists this account at \$6,085.53, is by an example of how the figure was actually arrived at. It will be noted that the Commission said in its Decision No. 433, in I. & S. Docket No. 46, "It is, therefore, of the opinion that all of the item of \$61,000 for construction overheads contained in the Commission's Engineer's Report should not be allowed." The Commission did find the rate base in I. & S. Docket No. 46 at \$400,000. In Exhibit No. 45, in I. & S. Docket No. 279, Page 17, Schedule VI, Mr. Denny has shown how this \$400,000 has to be prorated in view of the above decision to arrive at the values in each sub-account.

Mr. Vail did have set up in his report for this sub-account an amount of \$6,850.00 (Page 13). If 10% overheads are added as per the Vail Report, Page 12, we have:

$$\begin{array}{r} \$6,850.00 \\ 685.00 \\ \hline \$7,535.00 \end{array}$$

The Commission disallowed the overheads in part (See Schedule VI, supra), so to prorate the correct overheads, the Company Engineer subtracted from the total Vail figure of \$7,535, the adjusting percentage 8.557% (Transcript, Page 161, Vol. II).

$$\begin{array}{l} \$7,535 \times .08557 = \$644.77 \\ \$7,535 - 644.77 = \$6,890.23 \\ \$6,890.23 - 804.70 = \$6,085.53 \end{array}$$

Since the lots on 9th Street in the amount of \$804.70 were transferred to Account #100-4, the correct balance as shown in the sub-account is \$6,085.53. The 8.557% is calculated from Mr. Denny's report, Exhibit 45, I. & S. 279, Schedule VI as follows:

Total Undepreciated Rate Base	\$502,672
Less Working Capital	<u>4,960</u>
Total Undepreciated Plant	\$497,712
Total Undepreciated Rate Base	\$502,672
Less Depreciation Reserve	<u>60,084</u>
As per Vail--Net Rate Base	442,578
As per Commission's I. & S. 46	<u>400,000</u>
Net difference to be deleted	\$42,578

$$\frac{42,578}{497,712} \times 100 = 8.557\%$$

This same 8.557% applies as a deduction on all the figures in the Vail Report to which Mr. Vail has added his overheads. The Company Engineer in applying this correction was beginning his reclassification with the Vail Report in accordance with the stipulation.

Omitting for the moment the Starr water rights, it will be noted that the remaining items are as follows:

\$21,000
2,350
20,000
250
<u>2,120</u>
\$45,720

If we add the 10% overheads to the above figure in the amount of \$4,572, we arrive at a total of \$50,292.00. Again subtracting the 8.557%, or \$4,303.48, we arrive at a total of \$45,988.52, which is the total when the same items are added up on Page 7, Exhibit 48, as follows:

\$22,129.21
2,464.39
21,123.33
<u>271.59</u>
\$45,988.52

It will be noted from the above that the \$2,120, adjudication for water rights, has been prorated to the various accounts as is stated in the footnote at the bottom of Page 7, Exhibit 48. In other words, here again the Company Engineer is starting with the correct figure as shown by the Vail Report in line with the Commission's Decision in I. & S. Docket No. 46.

Included in the total amount in Account #311 is an item of \$66,931.08 for the Starr water rights purchased in 1944. The item of the Starr water rights has been a point of contention, not only in the present hearing, but in the previous hearing before the Commission in I. & S. Docket No. 279. The Commission allowed the Starr water rights in said I. & S. Docket No. 279, and the Company changed its system of bookkeeping in regard to these rights, all in accordance with the recommendation of the Commission's auditor. We believe the Company was acting in good faith when it purchased these rights, and until such time as we have before us more definite information,

we believe they should still be included as a part of the rate base. We are not unmindful of the question raised by the protestants in regard to these water rights, but we also believe that there is a legal question, particularly as to the point of diversion, and this should not be passed upon by this Commission, since it is a matter for the civil courts to determine. From the evidence adduced at the hearing, we are still of the opinion that under the present system of operation of the Leadville Water Company, there are times during the winter and spring months when all the water available from every source is necessary for this Company to supply service. As to the value of the water rights, we feel that the purchase was at "arms-length bargaining" by the Company, and so we are not at this time challenging the right of management to make such purchase or the price they paid.

The correct total amount shown for this account is \$119,005.13.

ACCOUNT #312-1 - SOURCE OF SUPPLY STRUCTURES
DIVERTING DAMS

This account is shown in detail on Page 8, Exhibit No. 48, to which reference is hereby made. The total amount in this account is shown as \$3,182.22. Mr. Vail had set up for diversion dams \$3,000 before overheads (Page 14). He also proposed 16% overheads for this item (Page 12, Vail Report). If 16% overheads is added to \$3,000, we have a total of \$3,480. The Commission disallowed the overheads in part (see Schedule VI, supra), so, to prorate the correct overheads, the Company Engineer subtracted from the total Vail figure of \$3,480 the adjusting percentage of 8.557%, (Transcript, Vol. II, Pages 77 and 161).

$$\begin{aligned} \$3,480 \times .08557 &= \$297.78 \\ \$3,480 - 297.78 &= \$3,182.22 \end{aligned}$$

ACCOUNT #312-11 - COLLECTING AND IMPOUNDING RESERVOIRS

This account is shown in detail on Page 9, Exhibit 48, to which reference is hereby made. The total amount in this account is shown as \$91,050.89. There was no change in the dollar amount of this account.

There was considerable testimony at the hearing in regard to the Evans Gulch Reservoir No. 2, also called Mountain Lake No. 2. This is

the reservoir which the Company endeavored to fix in 1946 in order to prevent leakage. While the repairs that were attempted did not prove successful, this reservoir is still used and the testimony so indicated. The Company is faced with a problem in regard to this reservoir that will have to be solved in the near future. The Commission does not intend to substitute its judgment for that of management, but management should do one of two things, either fix the reservoir to where it will hold water without leaking, or provide a substitute for this reservoir and eliminate it from the system. Closely allied to this problem, of course, is the condition of the stave line, and an engineering study should definitely be made by the Company to determine its future policy in regard to these items of property. Since the Company acted in good faith in repairing this reservoir, with the recommendation of a private engineering firm in undertaking the repairs, and since it is still in service, we believe the reservoir should remain in the rate base at this time.

Also included in this account were the upper and lower Conley Lakes. Testimony at the hearing (Vol. II, Page 181, et seq.), revealed that the water from these two reservoirs is still used to tide the system over. The water is usually turned into the system in the spring just before thawing occurs. Since these items are used and useful, they will be allowed in the rate base.

ACCOUNT #312-5 - DISTRIBUTION RESERVOIRS

This account is shown in detail on Page 10, of Exhibit 48, to which reference is hereby made. The total amount in this account is shown as \$23,717.79. There is no change in the dollar amount in this account.

ACCOUNT #312-6 - GENERAL AND MISCELLANEOUS
STRUCTURES AND IMPROVEMENTS

This account is shown in detail on Page 11, Exhibit 48, to which reference is hereby made. The following items were included in this account, with the statement that they were not included in the Vail Report:

Small House over Weir at Head of Iowa Gulch
(Not in Vail Inventory) \$200.00

Sheds and buildings at Pipe Yard, including
fences, etc. (Not in Vail Inventory) 1,000.00

Garages on Alley back of Harrison Street Office:

1 - Garage
22' 10" long
12' 8" wide
12' 0" to Eaves
16' 0" to Peak of Roof
Roof covered with corrugated
iron, concrete floor 275.00

1 - Garage
18' 5" long
9' 8" wide
8' 0" to Eaves
12' 0" to Peak of Roof
Roof and sides covered with
corrugated iron - wood floor
(Neither Garage included in
Vail Report) - 200.00

\$1,675.00

Since the above items were not included in the Vail Report, they must have been constructed subsequent to said report. If the Company is unable to produce supporting data to show that these items when constructed were added to the capital accounts, we will not at this time allow them to be capitalized, since we must assume that they were charged to expense at the time they were constructed. The above items will be deleted from this account, leaving a balance of \$1,834.07. In the reclassification, several items were removed from this account into the appropriate accounts and these are accounted for in the new classification.

ACCOUNT #313 - HEATING PLANTS

This account is shown in detail on Page 12, Exhibit 48, to which reference is hereby made. The total amount in this account is \$10,978.15.

ACCOUNT #320 - PURIFICATION SYSTEM

This account is shown in detail on Page 13, Exhibit 48, to which reference is hereby made. The total amount in this account is \$12,096.76.

ACCOUNT #321 - TRANSMISSION SYSTEM

This account is shown in detail on Pages 14, 15 and 16 of Exhibit 48, to which reference is hereby made. This account was adjusted in the reclassification to comply with suggestions made by the staff of the Commission,

particularly in regard to items that have been charged to maintenance that should have been capitalized. The \$1,500 shown on Page 14 as being the cost of the underpass built by the Bureau of Public Roads in 1934, has as an off-setting entry on the Balance Sheet in the amount of \$1,500 in the account "Contributions in Aid of Construction." Also set up on the Balance Sheet — "Contribution in Aid of Construction" is an amount of \$591.44 being the contribution made by the Resurrection Mining Company, which is shown on Page 17, of Exhibit 48. These items are correctly carried in this account and they are deductible from the rate base. The total amount in Account #321 is \$157,248.46.

ACCOUNT #322 - DISTRIBUTION MAINS

This account is shown in detail on Pages 17 and 18 of Exhibit 48, to which reference is hereby made. The total amount in this account is \$151,841.47. There are several adjusting items in this account, due in part to items transferred to and from other accounts and changes to reflect items that have been charged in error to maintenance that are now being corrected.

ACCOUNT #323 - SERVICES

This account is shown in detail on Page 19 of Exhibit 48, to which reference is hereby made. The total amount in this account is \$8,323.87. The Company Engineer has listed in this account 67 services laid in 1916, which he says were not included in the Vail Report. Mr. Denny, in his Exhibit 45 in I. & S. Docket 279, Page 5, found that these services were installed in 1926, and are now in use. This item will be allowed in the rate base since there is supporting evidence in the Company books for its capitalization when installed. As an off-setting entry to this account, there has been set up in "Contribution in Aid of Construction" an amount of \$598.71, which represents contributions by the customers for one-half of the costs of services installed since the Year 1948. This amount has been paid for by the customer and it will be deducted from the rate base.

ACCOUNT #324 - METERS

This account is shown in detail on Page 20, Exhibit 48, to which reference is hereby made. The total amount in this account is \$1,061.69.

ACCOUNT #325 - HYDRANTS

This account is shown in detail on Page 21, of Exhibit 48, to which reference is hereby made. The total amount in this account is \$16,201.02. This account has been increased \$5,949.34 by a reapportionment of pipe from Account #322 - "Distribution Mains." This is in line with the reclassification of accounts.

ACCOUNT #329 - GENERAL OFFICE EQUIPMENT

This account is shown in detail on Page 22, Exhibit 48, to which reference is hereby made. The total amount in this account is \$2,077.26. This account has been reduced by the retirement of several items of equipment.

ACCOUNT #330 - TRANSPORTATION EQUIPMENT

This account is shown in detail on Page 23, of Exhibit 48, to which reference is hereby made. The total amount in this account is \$4,660.97.

ACCOUNT #332 - SHOP EQUIPMENT

This account is shown in detail on Pages 24 and 25, Exhibit 48, to which reference is hereby made. The total amount in this account is \$1,535.81. This account has been reduced by the retirement of several items of equipment.

ACCOUNT #334 - TOOLS AND WORK EQUIPMENT

This account is shown in detail on Pages 26 and 27, Exhibit 48, to which reference is hereby made. The total amount in this account is \$2,265.16. The bulk of this equipment shown in this account has been fully depreciated, but since it is still in use and useful, is still carried on the books.

CONTRIBUTIONS IN AID OF CONSTRUCTION

Reference has been made to the account carried on the Balance Sheet "Contributions in Aid of Construction." The items that are included in this account are as follows:

	\$1,500.00 from Account #321
	591.44 from Account #321
	598.71 from Account #323
Total -	\$2,690.15

As previously stated, this account is deductible from the rate base.

RESERVE FOR DEPRECIATION

Also as a part of the stipulation, the Company was to endeavor to allocate its depreciation reserve to items of depreciable property, so that as a result of this allocation, it would be ascertainable to what extent each item

has accrued depreciation. Submitted as a late-filed exhibit, consisting of two sheets, was Exhibit 55, which purported to allocate the reserve to the items of property. Reference is also made to Exhibit 11-C, which also is a summation of the allocation of the depreciation reserve.

In disallowing certain items of property in Account #321-6, we have deleted from this plant account \$1,675.00. In apportioning the reserve, applicant had apportioned certain amounts to the items that the Commission has since disallowed. The items are set out as follows:

<u>Plant Items</u>	<u>Cost</u>	<u>Depreciation Reserve</u>	<u>Undepreciated Portion</u>
Iowa Gulch Weir House	\$200.00	\$125.36	\$74.64
Sheds and Building at Pipe Yard	1,000.00	626.68	373.32
Garages	475.00	297.66	177.34
Total -	\$1,675.00	\$1,049.70	\$625.30

Since the Company endeavored to apportion a part of the reserve to property that is not properly included in its plant account, it is now necessary to reapportion within the depreciation reserve account the amount of \$1,049.70, which applicant has set aside for the above items. Since this reapportionment is a judgment figure, we believe, as a matter of convenience, that the amount of \$1,049.70 should be placed in its entirety in the reserve account allocated to Account #322 - Distribution Mains. This will increase the total allocated depreciation reserve of said account from \$47,072.92, as shown on Exhibit 11-C, to \$48,122.62, but will not change the total reserve as shown by the figure \$226,179.97 at the foot of said exhibit.

The 36" wood stave line that brings water from the Arkansas River to the Ninth Street pumping plant and thence to the smelter, has long been a bone of contention in rate cases before this Commission. The wood stave line has been set up in Account #321 in the amount of \$87,757.27. In apportioning the reserve against this amount, applicant has set up on Exhibit 55 the amount of \$72,636.87. In Exhibit 45, in I. & S. Docket 279, Schedule IV, Page 16, there is the following statement:

"Voucher 12/31/38 - Dr. Depreciation, Cr. Reserve for Depreciation \$1,725.00. In Dec. 1938 re-appraisal made of 36" wood stave line 32,527 ft. built 1895, at cost of \$97,581.00.

"Valuation Burgess and Niple 6/1/30 found to be 50% condition and value was established as \$48,790.00 and depreciation refigured. Depreciation allocated 6/1/30 to 1/1/38 - \$40,990.00. After inspecting this stave line, we now estimate it has a fifteen year life. Hence, in order to charge off the stave line in next fifteen years, it is necessary to increase our depreciation charge \$1,725.00 per year."

An examination of the Company records discloses that in line with the above statement, the depreciation expense was increased starting with the Year 1938 in the amount of \$1,725.00. This would write off the full amount of the stave line through the depreciation reserve by December 31, 1952. Since the stave line is completely written off through the depreciation reserve as of the above date, we will disallow in the future the charge to depreciation expense an amount of \$2,733.00. This amount is calculated as follows:

$$\frac{\$40,990}{15 \text{ yrs.}} = \$2,733.00 \text{ per yr. Depreciation Expense}$$

On Exhibit 17-B, applicant shows that the present depreciation expense charged per year is \$7,172.01. If we delete \$2,733.00 per year, this would leave depreciation expense as \$4,439.00 to be charged annually. In examining the various accounts and the rates of depreciation that applicant has been using, we note that in Account #322, Distribution Mains - Account #312-11 - Collecting and Impounding Reservoirs, and Account #312-5 - Distribution Reservoirs, applicant has used a longer life in estimating depreciation than we think is justified. We believe that at the present time applicant is not charging sufficient depreciation against these accounts; accordingly, we shall adjust this charge at this time. The permissible depreciation expense will be increased from the figure of \$4,439.00 to \$5,900.00, it being understood that the additional depreciation shall be credited to the reserve and allocated to Accounts #322, 312-5, and 312-11. By allowing \$5,900.00 depreciation, this will give applicant a composite rate of depreciation on depreciable property of approximately 1.50% after making an adjustment in the plant accounts to show the stave line and the several other items that have been fully depreciated. In order to show that the stave line is fully depreciated, we shall adjust the reserve by increasing the dollar amount by \$15,120.40 to fully reflect the accrued depreciation on said stave line as of December 31, 1952. The date to which this adjustment

is made, happens to coincide with the end of the period which is the test year used by the Commission herein. It will be necessary, as a result of the increase in the depreciation reserve, to make a corresponding adjustment on the Balance Sheet to the Surplus Account. As a result of the adjustment to the depreciation reserve, said reserve will be increased to \$240,545.67.

On Exhibits 55 and 11-C, applicant has overstated the depreciation reserve by an amount of \$754.70, which is the amount of the undepreciable land in Account #100-4. In adding the \$15,120.40 to the reserve to adjust for the full depreciation of the stove line, this overstatement was corrected.

Set out herein is a list of the accounts and the allocation of the depreciation reserve to those accounts reflecting all the adjustments we have made as of December 31, 1952:

ACCT. NO.	DESCRIPTION	ACCOUNTS RECLASSIFIED BY COMMISSION	DEPRECIATION RESERVE RE- CLASSIFIED BY COMMISSION
100-4	Utility Plant held for future use	\$7,953.63	\$7,198.93
301	Organization	95.00	—
302	Franchises	2,666.68	—
311	Land and Water Rights	119,005.13	—
312-1	Source of supply, structures, diverting dams	3,182.22	1,994.24
312-11	Collecting & Impounding Reservoirs	91,050.89	19,551.14
312-5	Distribution Reservoirs	23,717.79	7,933.04
312-6	Genl. & Misc. Struct. & Impr.	1,834.07	900.09
313	Heating Plants	10,978.15	6,035.20
320	Purification System	12,096.76	790.34
321	Transmission System	157,248.46	128,822.71
322	Distribution Mains	151,841.47	48,122.62
323	Services	8,323.87	1,298.19
324	Meters	1,061.69	769.13
325	Hydrants	16,201.02	10,152.86
329	General Office Equipment	2,077.26	2,077.26
330	Transportation Equipment	4,660.97	1,835.64
332	Shop Equipment	1,535.81	1,535.81
334	Tools and Work Equipment	2,265.16	1,528.47
	Total -	\$617,796.03	\$240,545.67

RATE BASE

Using the adjusted figures as previously determined, the rate base of applicant as of December 31, 1952 is as follows:

Total Utility Plant -		\$617,796.03
<u>Less:</u>		
Account 100-4 Property Held for future use	\$7,953.63	
Contributions in Aid of Construction	<u>2,690.15</u>	<u>10,643.78</u>
Gross Plant in Service -		\$607,152.25
Less Allocated Depreciation Reserve	\$240,545.67	
Adjust for portion of reserve allocated to Account #100-4 -	<u>7,198.93</u>	<u>232,346.74</u>
Net Plant used and useful in service -		\$373,805.51
<u>Add:</u>		
Materials & Supplies		<u>5,493.89</u>
Rate Base as of December 31, 1952 -		\$379,299.40

In arriving at the above rate base, it will be noted that the depreciation reserve was adjusted to set aside that portion that is earmarked for Account #100-4 Plant Held for Future Use. Since the amount in Account #100-4 is subtracted from the Plant Accounts and does not appear in the rate base, it would not be equitable to deduct that portion of the reserve pertaining to Plant Held for Future Use.

No additional working capital other than Material and Supplies has been allowed since applicant bills its customers quarterly in advance, and hence the Working Capital is supplied by the customer.

INCOME AND EXPENSES

Applicant has submitted exhibits showing Income and Expenses in detail for the Years 1948-1952, inclusive. These exhibits were corrected for all the adjustments recommended by the staff as regards items charged to expenses that should have been capitalized. Applicant has also submitted on Exhibits 17-B and 18-B what it has determined as the actual and adjusted earnings and expenses for 1952 test year. In arriving at the adjusted figures, applicant has based its calculations on what it has termed "the average year." Due to the climatic conditions in Leadville, it is very difficult to select any one year as a test basis. If the year selected happened to have a mild winter, the expenses would be down, particularly as they pertain to thawing of mains and flushing of hydrants. If the year selected happened to have a severe winter, the same items of expense would be considerably higher than normal. In order to arrive at what it terms an average year, applicant has

taken the average of the last five years for gravity supply and distribution expenses. These expenses were further adjusted to take into account present day cost of labor and fuel. We believe that there is merit in this method of adjusting for the average year, and we raise no question here as to method.

On Exhibit 17-B, applicant shows that for the test year 1952, it had an actual net operating income of \$14,772.15. Relating this figure to the rate base as previously determined, we find that the actual rate of return for the Year 1952 amounted to 3.89%. Also, shown on the same exhibit after adjusting for the average year expenses previously mentioned, and additional expenses claimed by applicant, and also taking into account additional revenue based on future use, together with known decreases in property expense and pension expenses, applicant shows an adjusted net operating income of \$6,727.00, which is a 1.77% return on the rate base.

In examining the expenses that applicant claims it will have in the future, we believe certain adjustments should be made. Applicant has set forth an item of \$6,880.00 for the amortization of rate case expense. This item is made up of \$17,503.76 previous rate case expenses, including \$896.25 still owed to Mr. Burgi and \$16,000.00 estimated cost of present case for a total of \$34,400.01. Applicant proposes to amortize this expense over five years. The Commission believes that rate case expense is a proper element to be allowed the Company to charge to expenses. In reviewing the history of this Company, however, we find that despite the increase in rates granted by this Commission, applicant has never amortized the expense of \$17,503.76 for the previous rate case. We assume that the Company is paying what it feels is necessary to present its rate cases to this Commission. In view of the amount that is accumulating because of the costs of rate cases, we believe that we must, in all fairness to the rate payer, allow the Company to charge off to current and future expenses only the cost of the present rate case. If applicant had written off over the past period of five years the expenses that pertain to the previous rate case, we would now have only to take care of the expenses of the current case. This Company has been before the Commission on previous occasions for an adjustment in its rates.

The Commission in each case authorized what it considered to be a fair return to the Company. If the Company fails to make this return, it is no fault of the Commission, or the customer. We can not guarantee a fixed income in the utility business, since, as in any other business, there is an inherent risk that must be borne by the Company. It is a well known fact from the record herein that Leadville now has connected to its system approximately one-half of the customers that it was originally designed for, albeit the amount of water now used may be as much or more than when the Company first started. The Commission has already commented on the conditions that applicant might be faced with at Leadville. We quote from Decision No. 433, I. & S. Docket No. 46, Page 12, of Exhibit 2 in I. & S. Docket No. 279:

"The Commission is of the opinion that no rate can be fair and reasonable unless it is fair and reasonable to the consumer. For example, suppose this plant actually cost \$1,000,000 and a valuation by the Commission's engineer would support this cost as an actual valuation upon which this company is entitled to a return; suppose that the actual population has decreased from 16,000 to 5,000; that the actual users of water have decreased in number to only about 50 per cent of what there were three years ago, and that the rate necessary to be charged to obtain a fair return upon this sum as a fair value would be excessively high and practically prohibitive, should the present consumers be penalized with rates to maintain a plant far in excess of its present needs? How far should this principle of a fair return on the investment be carried? Suppose the City of Leadville's population should decrease to 500 people; should the remaining 500 be compelled to pay rates to maintain this plant as originally built and pay a return on the original investment? This must be answered by the statement that if the company finds it is unable to render service at fair and reasonable rates it must accept the burden itself and cannot be permitted to pass its own misfortunes on to the customers by placing on them an undue burden."

If applicant continues to hold in a suspense account unamortized rate case expenses, it is not beyond the bounds of reason at the pace applicant is going, that it will soon be necessary to grant a rate increase merely to amortize all previous rate case expenses. In line with the above thinking of the Commission in I. & S. 46, and with such additional comments as we have made, we believe then that in the present case applicant should be permitted to amortize only \$16,896.25, which is the cost of the present case and the amount still owing to Mr. Burgi. This sum amortized over a period of five

years will amount to \$3,380.00 per year in lieu of the \$6,380.00 requested by applicant.

We also note that applicant proposes to amortize over a period of three years a damage claim of \$2,000.00 which it has just settled. We believe that applicant should set aside a certain amount each year in a reserve for Injuries and Damages. We believe that in accepting applicant's basis of the five year average for certain expenses, we have allowed leeway during good years to help offset such items as this. We believe that applicant should be allowed, however, \$400.00 yearly, as an expense to be accrued for Injuries and Damages.

Having in mind the adjustment for the depreciation expense on the stave line amounting to \$1,272.00 (\$7,172 minus \$5,900), the amortization of the rate case expense and the accrual for the Injuries and Damage reserve, we have set out below the adjusted items based on the average year to reflect the income and expenses of applicant based on the test year on existing rates adjusted for new business.

	<u>Existing Rates</u>
Total Revenues Adjusted for New Business	\$77,000.00
1952 Expenses (Excluding Income Tax)	60,157.13
<u>Adjustments</u>	
Average Year	\$2,397.00
Wage Increase	400.00
General Expense	500.00
Amortization of Rate Case	3,380.00
Amortization Reclassification Expense	400.00
Additional Records Expense	200.00
Reserve for Injuries & Damages	400.00
Total Adjusted Expenses	<u>\$7,677.00</u>
Decrease in Property Taxes	1,275.80
Decrease in Pension Expense	450.00
Decrease in Depreciation Expense	<u>1,272.00</u>
	<u>\$2,997.80</u>
Total Net Adjustments	<u>4,679.20</u>
Total Adjusted Expenses (before income tax)	64,836.33
State Income Tax @ 2.8341%	197.37
Federal Income Tax @ 29.1498%	<u>2,029.94</u>
Total Expenses	<u>\$67,063.64</u>
Net Operating Income -	\$9,936.36

A 6% return on the rate base of \$379,299.40 would amount to \$22,758.00. In order to obtain this rate of return, applicant would have to have a total gross revenue of \$95,848, calculated as follows:

Present Gross Revenue on Existing Rates adjusted for New Business	\$77,000
Additional gross revenue required	<u>18,848</u>
Total Gross Revenue necessary to produce 6% return on the rate base -	\$95,848

Proof of above

Total Gross Revenue	\$95,848
Less Adjusted Expenses (before Income Tax)	<u>64,836</u>
Income before taxes -	\$31,012

Less Interest to arrive at taxable Income (See Exhibit 18-B, Page 2)	<u>5,200</u>
	\$25,812

State Tax:	
2.8341% x \$25,812 =	\$731
Federal Tax:	
29.1498% x \$25,812 =	<u>7,524</u>
	\$8,255

Income Before Taxes	\$31,012
Less Income Taxes	<u>8,255</u>

Net Operating Income, 6% on Rate Base- \$22,757

Included herein is a comparison as of December 31, 1952, of the Balance Sheet submitted by the Company in Exhibit 11-B, and a Pro Forma Balance Sheet set up by the Commission as a result of the changes and adjustments heretofore outlined, along with the detail of the journal entries necessary to reflect these adjustments.

COMPARATIVE BALANCE SHEETS SHOWING DETAIL OF
CORRECTIONS MADE TO CONFORM WITH RECLASSIFICATION

	As Reclass'fd Appl's Eng. 12/31/52	Commission Adjustments		As Adjusted By Commission 12/31/52
		Dr.	Cr.	
<u>ASSETS</u>				
<u>PLANT</u>				
Utility Plant in Service	\$620,562.31		\$1,675.00(a)	
LESS: Reserve for Depr.	<u>218,226.34</u>		9,044.91(b)	\$609,842.40
Net Plant in Service	<u>\$402,335.97</u>		15,120.40(c)	<u>233,346.74</u>
Utility Plant Held for Future Use	7,953.63			7,953.63
LESS: Reserve for Depr.	<u>7,953.63</u>	\$754.70(d)		<u>7,198.93</u>
	<u>-0-</u>			<u>754.70</u>
<u>OTHER INVESTMENTS</u>				
Leadville Land & Water Co.	4,091.60			4,091.60
Leadville Mine Dev. Co.	<u>540.00</u>			<u>540.00</u>
Total Investment	<u>4,631.60</u>			<u>4,631.60</u>
<u>CURRENT & ACCRUED ASSETS</u>				
Cash	815.88			815.88
Special Deposit	112.50			112.50
Accounts Receivable	2,017.05			2,017.05
Material & Supplies	5,493.89			5,493.89
Prepayments	<u>124.89</u>			<u>124.89</u>
Total Current & Accrued	<u>8,564.21</u>			<u>8,564.21</u>
<u>DEFERRED</u>				
Unamort. Debt, Disc. & Expense	1,392.00			1,392.00
Suspense Rate Case	<u>19,197.47</u>	16,896.25(e)	19,197.47(f)	<u>16,896.25</u>
Total Deferred	<u>20,589.47</u>			<u>18,288.25</u>
Total Assets & Other Debits -	<u>\$436,121.25</u>			<u>\$408,734.42</u>
<u>LIABILITIES</u>				
<u>Capital Structure</u>				
<u>Capital Stock</u>				
Common	\$365,600.00			\$365,600.00
<u>Surplus</u>				
Balance 12/31/52	(67,824.82)	19,197.47(f)		
Total Equity Capital	<u>297,775.18</u>	1,675.00(a)	754.70(d)	<u>(112,107.90)</u>
		9,044.91(b)		<u>253,492.10</u>
		<u>15,120.40(c)</u>		
<u>Long Term Debt</u>				
First Mortgage Bonds	74,000.00			74,000.00
Contract Agreement Pay.	<u>33,000.00</u>			<u>33,000.00</u>
TOTAL LONG TERM DEBT	<u>107,000.00</u>			<u>107,000.00</u>
TOTAL CAPITAL STRUCT.	<u>404,775.18</u>			<u>360,492.10</u>
<u>CURRENT & ACCRUED LIAB.</u>				
Notes & Other Payables	23,113.56		16,896.25(e)	40,009.81
Matured Int. on Deposits	112.50			112.50
Taxes Accrued	3,888.19			3,888.19
Int. Accrued Funded Debt	<u>1,541.67</u>			<u>1,541.67</u>
Total Current & Accrued	<u>28,655.92</u>			<u>45,552.17</u>
Contribution in Aid Constr.	<u>2,690.15</u>			<u>2,690.15</u>
TOTAL LIABILITIES & OTHER CREDITS	<u>\$436,121.25</u>	<u>\$62,688.73</u>	<u>\$62,688.73</u>	<u>\$408,734.42</u>

JOURNAL ENTRIES - I. & S. 339

THE LEADVILLE WATER COMPANY

LEADVILLE, COLORADO

	<u>Dr.</u>	<u>Cr.</u>
(A) Surplus	1,675.00	
Utility Plant in Service		1,675.00
Exhibit 48, P. 11, Account 312,		
6 items disallowed		
(B) Surplus	9,044.91	
Utility Plant in Service		9,044.91
Organization Expense Disallowed		
Account 301, P. 5, Exhibit 48		
(C) Surplus	15,120.40	
Res. Depr. Utility Plant in Service		15,120.40
To fully depreciate stave line		
(D) Res. for Depr. Utility Plant Held		
Future Use	754.70	
Surplus		754.70
Land a Nondepreciable item written off		
in error through Depreciation.		
(E) Suspense Rate Case	16,896.25	
Notes & Accounts Payable		16,896.25
To set up Present Rate Case Expense		
(F) Surplus	19,197.47	
Suspense Rate Case		19,197.47
To write off Rate Case Expense in		
I. & S. 279		

The rates that applicant has proposed herein are designed to return an additional \$35,455.00 in gross revenue (Supplemental Exhibit No. 3). On Exhibit 17-B, taking into account new business, applicant now estimates that these rates will produce an additional gross revenue of \$36,648.00. According to our calculations, we believe that applicant needs only an additional \$18,848.00 in gross revenues.

Applicant proposed in its rate schedule to increase all users approximately 40% except fire hydrant service which was to be increased 316%. In reviewing the testimony, we do not agree that all of the expenses applicant has set forth should be borne by the charge to fire hydrants. The flushing of hydrants aids all of the water system by keeping the water from freezing and the customers also derive benefits from this operation, not only by keeping the domestic water flowing, but also by the protection from fire to their homes. We realize that these expenses occur, but we feel that since the customers share in the benefits, they should share in these expenses.

The Attorney for the Town maintains in his brief that the Town has allocated to the costs of fire hydrant service all the expenses it is permitted under the law. We are not unduly concerned with this argument since to follow it to a conclusion would mean that this Commission would have to relinquish its rate-making authority to every municipality served by a public utility if the Town budget were to be set at a fixed amount. We are not faced with this problem herein, however, since it is our intent not to permit a rate increase at this time in the charge for fire hydrant service. We have arrived at this decision, not because of the Town's contention it is unable to pay more, but because we feel that the customer should share in the expenses of this fire protection service. The necessary increase in gross revenues should be prorated evenly to all of the customers of the Company, except the charge for hydrant service, which should remain as at present.

On Exhibit 17-B, which includes the new business and excluding the increase on fire hydrant service, the proposed rates would produce an additional gross revenue of \$27,927.00 — (\$36,648 less \$8,721). This is more than we feel is necessary to allow applicant a fair return on the fair value of the property devoted to public service.

After reviewing all of the testimony, exhibits, and briefs in this matter, we have endeavored to set forth herein the principal items that need comment and clarification or adjustment. We have in mind in reviewing past decisions of this Commission, that we are not bound by the doctrine of stare decisis, since we are a fact-finding body and not bound by precedent. If we have not commented on all the questions that have been raised by all the protestants and the Company in this and in all of the various prior rate cases of this Company before this Commission, it is not because of oversight but because we have decided that as to the omitted comments it was our intent not to change the status quo.

The Commission is concerned with the problems at Leadville and has listened with interest to the proposals of applicant as to its intended construction program. We realize that applicant is faced in the not too distant future with several problems of a major nature that will require considered judgment by management. Management should proceed to obtain the information necessary to make its decisions and act accordingly. The Company should not delay until it has to act in an emergency. We have in mind the problems of the leaking Evans Gulch Reservoir No. 2, the condition of the stave line and the question of the pump at the 9th Street plant. The increase in rates granted herein is to aid the Company to carry forward its program.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement should be made a part of these Findings by reference.

That the rate increase proposed by the Leadville Water Company filed with this Commission on July 2, 1952, to become effective September 1, 1952, would result in a return to the Company in excess of the amount deemed by the Commission to be fair and reasonable, and should be denied.

That the fair and reasonable value of the Leadville Water Company consisting of property used and useful in the water system, including materials and supplies, is found to be \$379,299.40, and a fair rate of return thereon is found to be 6%.

That the Leadville Water Company should be permitted to file a new schedule of rates, rules and regulations to produce a total gross revenue of \$95,848.00, which is an increase in gross revenue of \$18,348.00 over the test year of 1952, after adjusting for reasonable expenses and taking into account new business, in accordance with the preceding Statement, and said increase should produce a net operating income of \$22,757.00.

That the reclassification of accounts as set forth in Exhibit 48, as modified by the above Statement, should be set up on applicant's books.

That the apportionment of the depreciation reserve as set forth in Exhibit 55, Sheets 1 and 2, as modified by the above Statement, should be set up on applicant's books.

O R D E R

THE COMMISSION ORDERS:

That the rate increase proposed by the Leadville Water Company in its filing July 2, 1952, proposed to become effective September 1, 1952, be, and it hereby is, denied.

That the Leadville Water Company be permitted to file with the Commission on the standard rate forms within twenty-one (21) days from the date hereof, a new schedule of rates, rules and regulations that will produce a total gross revenue to the Company of \$95,848.00.

That the rates to be filed shall not increase the present charge to the City of Leadville for fire hydrant service.

That the new rates when filed shall become effective on November 1, 1953, for all water service on or after said date.

That the reclassification of accounts as set forth in Exhibit 48 as modified by the above Statement, shall be set up on applicant's books within thirty days of the effective date of the Order herein.

That the apportionment of the depreciation reserve as set forth on Exhibit 55, Sheets 1 and 2, as modified by the above Statement, shall be set up on applicant's books within thirty days of the effective date of the Order herein.

That applicant shall henceforth keep its accounts in accordance with the Uniform System of Accounts for Water Utilities, as prescribed by this Commission.

That this Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchel
Joseph W. Hawley
Ralph C. Hahn
Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1953.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANCIS H. GRISWOLD, DOING BUSINESS)
AS "CORTEZ HOME & AUTO SUPPLY," 45)
E. MAIN, CORTEZ, COLORADO.)
-----)

PERMIT NO. C-22359

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Francis H. Griswold, dba "Cortez Home & Auto Supply"

requesting that Permit No. C-22359 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-22359, heretofore issued to _____

Francis H. Griswold, dba "Cortez Home & Auto Supply" be,

and the same is hereby, declared cancelled effective January 1, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Edinich
Joseph C. H. H. H.
Joseph C. H. H. H.
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
BELLA MARTIN, STAR ROUTE, MORRISON,)
COLORADO.)

PERMIT NO. C-14220

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Bella Martin

requesting that Permit No. C-14220 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-14220 , heretofore issued to

Bella Martin

be,

and the same is hereby, declared cancelled effective September 16, 1953.

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

John H. Lincoln
 Ralph C. Boston
 Commissioners

Dated at Denver, Colorado,

this 14th day of October , 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEO FIELDS, % FIELDS FRUIT CO.,)
MEMPHIS, TEXAS.)
_____)

PERMIT NO. C-14143

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Leo Fields

requesting that Permit No. C-14143 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-14143, heretofore issued to _____

Leo Fields be,

and the same is hereby, declared cancelled effective July 31, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Philip C. H. H. H. H.
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROWLAND & JACK CARMACK, DOING BUSI-)
NESS AS "CARMACK EQUIPMENT CO.,")
BAYFIELD, COLORADO.)
-----)

PERMIT NO. C-7708

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Rowland & Jack Carmack, dba "Carmack Equipment Co."

requesting that Permit No. C-7708 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

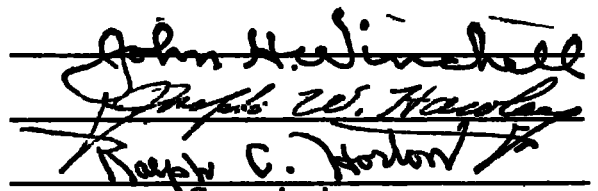
THE COMMISSION ORDERS:

That Permit No. C-7708, heretofore issued to _____

Rowland & Jack Carmack, dba "Carmack Equipment Co." be,

and the same is hereby, declared cancelled effective August 13, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT F., SAM F., ARNOLD, JOHN F., &)
FRANK, JR., VOGT, DOING BUSINESS AS)
"F. D. VOGT PRODUCE & GROCERY CO.,")
HILLSBORO, KANSAS.)
-----)

PERMIT NO. C-5076

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Albert F., Sam F.,
Arnold, John F., & Frank, Jr. Vogt, dba "F. D. Vogt Produce & Grocery Co."
requesting that Permit No. C-5076 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-5076, heretofore issued to Albert F., Sam F.,
Arnold, John F., & Frank, Jr. Vogt, dba "F. D. Vogt Produce & Grocery Co." be,
and the same is hereby, declared cancelled effective September 29, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD MENAPACE, BOX 3, SEGUNDO,)
COLORADO.)
)
)
)
)
-----)

PERMIT NO. C-10062

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Edward Menapace

requesting that Permit No. C-10062 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: /

That Permit No. C-10062, heretofore issued to _____

Edward Menapace be,

and the same is hereby, declared cancelled effective October 1, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Finchell
Joseph C. H. H. H.
Joseph C. H. H. H.

Commissioners

Dated at Denver, Colorado,

this 14th day of October, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
COLORADO SEED CO., 1515 CHAMPA ST.,)
DENVER, COLORADO.)

PERMIT NO. C-3445

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Colorado Seed Co.

requesting that Permit No. C-3445 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-3445, heretofore issued to _____
Colorado Seed Co. _____ be,
 and the same is hereby, declared cancelled effective August 27, 1953.

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

John H. Lincoln
 Ralph C. Horton
 Commissioners

Dated at Denver, Colorado,

this 14th day of October , 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES HERTZKE, GRAND JUNCTION,)
COLORADO.)

PERMIT NO. C-28248

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Charles Hertzke

requesting that Permit No. C-28248 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28248, heretofore issued to

Charles Hertzke be,

and the same is hereby, declared cancelled effective October 1, 1953.

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

~~John H. Winchell~~
~~Reph C. Norton~~
Commissioners

Dated at Denver, Colorado,

this 14th day of October , 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GLEN E. FLINN, DOING BUSINESS AS)
"COLORADO BUILDING IMPROVEMENT CO.,")
4220 CARR ST., WHEATRIDGE, COLORADO.)
-----)

PERMIT NO. C-29235

October 14, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Glen E. Flinn, dba "Colorado Building Improvement Co."
requesting that Permit No. C-29235 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29235, heretofore issued to _____
Glen E. Flinn, dba "Colorado Building Improvement Co." be,
and the same is hereby, declared cancelled effective October 2, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Linchell
Joseph W. H. H. H.
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,
this 14th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE R. BENNETT, DOING BUSINESS)
AS "BENNETT DELIVERY SERVICE," 518)
PROSPECT STREET, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 1970 TO HERBERT C. EDWARDS)
AND MERLE C. PETTIT, JR., CO-)
PARTNERS, DOING BUSINESS AS)
"EDWARDS & SON," 104 BROADMORE ROAD,)
COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 12560-Transfer

October 8, 1953

S T A T E M E N T

By the Commission:

By Decision No. 26792, of date September 30, 1946, George R. Bennett, doing business as "Bennett Delivery Service," Colorado Springs, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle, on call and demand, for the transportation of:

drugs, drug supplies and surgical supplies
ordinarily sold by retail druggists, only,
from drugstores in Colorado Springs, to
Broadmoor, Manitou Springs, Ivywild, Cascade,
and other points and places within a radius
of six miles of Colorado Springs Post Office,

said operating rights being known as "PUC No. 1970."

Pursuant to authority contained in Decision No. 34199, of date February 8, 1950, said certificate-holder extended operations under said PUC No. 1970 to include transportation of:

groceries from the retail grocery stores in
Colorado Springs, Colorado, to their cus-
tomers at Broadmoor, Manitou Springs, Ivy-
wild, Cascade, and other points and places
within a radius of six miles of the Colorado
Springs Post Office.

By the instant application, George R. Bennett, doing business as "Bennett Delivery Service," Colorado Springs, Colorado, seeks authority

to transfer said PUC No. 1970, as extended, to Herbert C. Edwards and Merle C. Pettit, Jr., co-partners, doing business as "Edwards & Son," 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 transferees; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said 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 George R. Bennett, doing business as "Bennett Delivery Service," Colorado Springs, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1970 -- being the operating rights granted by Decisions Nos. 26792 and 34199 -- to Herbert C. Edwards and Merle C. Pettit, Jr., co-partners, doing business as "Edwards & Son," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned,

and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

The tariff of rates, rules, and regulations of transferor 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 transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate, and payment by him or transferees of all unpaid ton-mile tax.

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

John H. Winkler
Joseph W. Macole
Ralph C. Holman
Commissioners

Dated at Denver, Colorado,
this 8th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
JAMES R. PRATT AND PERCY A. PRATT, }
CO-PARTNERS, DOING BUSINESS AS }
"PRATT BROTHERS," GENERAL DELIVERY, }
WALDEN, COLORADO, FOR A CLASS "B" }
PERMIT TO OPERATE AS A PRIVATE }
CARRIER BY MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 12547-PP

October 8, 1953

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest and sawmill products from forests and sawmills in the State of Colorado to sawmills and planers located anywhere in the State of Colorado, with no town-to-town service.

Said application was regularly set for hearing at the Court House, Steamboat Springs, Colorado, on September 25, 1953, at ten o'clock A. M., due notice of the time and place being forwarded to all parties in interest.

Notwithstanding said notice, applicants 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 applicants thereunder, as hereinafter limited, will tend to impair the efficiency of any common carrier service with which they will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted, as limited by the Order following.

O R D E R

THE COMMISSION ORDERS:

That James R. Pratt and Percy A. Pratt, co-partners, doing business as "Pratt Brothers," Walden, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest and sawmill products from forests and sawmills to sawmills and planers within a radius of fifty miles of Walden, Colorado.

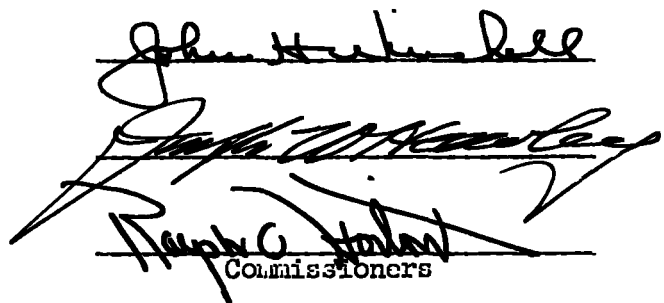
All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE MOUNTAIN STATES TELEPHONE AND
TELEGRAPH COMPANY, A CORPORATION,
DENVER, COLORADO, FOR AN ORDER
FIXING A DATE FOR A HEARING FOR THE
PURPOSE OF RECEIVING EVIDENCE TO
ENABLE THE COMMISSION TO ASCERTAIN
THE FAIR VALUE OF THE APPLICANT'S
PROPERTY WITHIN THE STATE OF COLO-
RADO, TO DETERMINE THE FAIR RATE OF
RETURN THEREON, THE REVENUES TO
WHICH APPLICANT IS ENTITLED, AND
FOR SUCH FURTHER FINDINGS AND
ORDERS AS MAY BE JUST AND PROPER.

APPLICATION NO. 12292

October 9, 1953

Appearances: John R. Turnquist, Esq., Denver,
Colorado, for The Mountain
States Telephone and Telegraph
Company;
William Grelle, Boulder, Colorado,
and
Leonard M. Campbell, Esq., Denver,
Colorado, for the Colorado
Municipal League;
Malcolm D. Crawford, Esq., Denver,
Colorado, and
John C. Banks, Esq., Denver, Colo-
rado, for the City and County
of Denver, Colorado;
Leslie A. Gifford, Esq., Aurora,
Colorado, for the City of
Aurora, Colorado;
John M. Sayre, Esq., Boulder, Colo-
rado, for the City of Boulder,
Colorado;
H. E. Smith, Denver, Colorado,
pro se;
Frank A. Wachob, Esq., Denver,
Colorado,
Charles M. Soller, Esq., Denver,
Colorado, and
William T. Secor, Esq., Denver,
Colorado, for The Public
Utilities Commission of the
State of Colorado.

S T A T E M E N T

By the Commission:

On April 3, 1953, The Mountain States Telephone and Telegraph

Company (hereinafter referred to as "Applicant"), filed with this Commission its application requesting the Commission to fix the date for a hearing for the purpose of receiving evidence to enable the Commission to ascertain the fair value of the Applicant's property within the State of Colorado, to determine the fair rate of return thereon, the revenues to which Applicant may be entitled, and for such further findings and orders as may be just and proper.

The Commission set the matter for hearing on May 11, 1953, and due notice of such hearing was given to all interested parties. Hearings commenced on that date, and at these hearings, representatives of the following cities and towns appeared: Aurora, Boulder, and the City and County of Denver. The People of the State of Colorado were represented by the Attorney General, and by the staff of the Commission, which staff, prior to the conclusion of the hearings, made extensive investigation of the books and records of Applicant and its properties within the State of Colorado.

The Municipal League of Colorado appeared and presented two expert witnesses, and, by agreement of the parties, the testimony of one other expert witness for the Municipal League was incorporated by reference.

The Commission, with the agreement of all interested parties, set the hearings for the direct testimony of Applicant for May 11, 1953, and the direct testimony of Applicant began on that date and continued until the direct case of Applicant was concluded.

Thereafter, the matter was recessed by agreement until June 15, 1953, at ten o'clock A. M., at which time additional evidence was given and again the hearing was recessed until July 14, 1953, when additional evidence was given and the taking of testimony was closed. However, the Chairman of this Commission ruled that the case be kept open until such time as the Applicant and the Union (the Communications Workers of America) had entered into a new wage contract, with the requirement that Applicant file with the Commission late-filed exhibits showing, if any, the impact of any wage adjustments, up or down, or any fringe benefits, upon the expenses of the Company.

In all, the hearings consumed eleven days, and the record consists

of approximately 1513 pages, and approximately 127 exhibits. Briefs were filed by Applicant and by the Municipal League, and were duly considered.

History of the Company and Nature
of its Operations

The Applicant is a Colorado corporation, with its principal offices located at 931 Fourteenth Street, Denver, Colorado. It is duly authorized to engage as a public utility, and is engaged in the business of furnishing communication services, namely, local and toll telephone service in the States of Arizona, Colorado, Montana, New Mexico, Utah, Wyoming, Idaho south of the Salmon River, and in El Paso County, Texas. The Applicant is a subsidiary of the American Telephone and Telegraph Company, a New York corporation (hereinafter referred to as the "American Company"), which owns approximately 87% of the outstanding Capital Stock of the Applicant.

Evidence Admitted by Reference
to Previous Case

In order to expedite the hearings and to save the time of all concerned, the parties agreed to incorporate in this record, by reference, and to be considered in all particulars as a part of the record in this case, the following testimony submitted in Application No. 11245 of the Applicant, at the September, 1951, session:

Testimony of John I. Boggs upon the "Value of Colorado Property," Pages 100 to 201, inclusive, together with Exhibits 10, 10A, and 10B.

Testimony of John I. Boggs on "Western Electric Standard Supply Contract," Pages 331, 331A, and 332 to 348, 350 to 384, and Exhibit 34.

Testimony of E. F. Bird on the "License Contract Savings," Pages 222A and 223 to 264, inclusive.

Testimony of J. M. Ryan on "License Contract Expense," Pages 207 to 222 and 265 to 331 and 348 and 349.

Testimony of J. M. Ryan on "Western Electric Company Earnings," Pages 384 to 388A and 389 to 437,

and for the Colorado Municipal League in the December 6, 1951, session:

Testimony of H. G. Butler on "Valuation of Property," Pages 43 to 151, inclusive.

Intercorporate Relationship

As we noted in our Decision No. 38593, issued in Application No. 11245, on May 6, 1952, the American Company owns a controlling interest in Applicant, and it also owns Western Electric Company, and it and Western Electric Company own the Bell Laboratories. The American Company furnishes to Applicant under contract certain services, and Applicant also purchases practically all of its material and equipment from Western Electric.

We have again carefully examined this relationship and the contractual arrangements, and will continue to do so.

A. General Services and License Costs.

At the hearing in Application No. 11245, considerable testimony was taken on general services and license costs, and we covered this matter in detail in our Order in said application, and concluded that the evidence indicated that the savings under the arrangement with the American Company, Western Electric and Bell Laboratories had been real and material. That evidence has been incorporated in the record in this case by reference, and some additional evidence has been taken in this case.

B. Western Electric Prices.

In our Order of May 6, 1952, we covered in detail Western Electric prices, and no evidence has been introduced at the instant hearing that would affect our conclusions on Western Electric prices.

One protestant undertook to testify that Applicant could have purchased its telephone sets cheaper from another manufacturer than it could from Western Electric. However, when he was asked to identify that manufacturer, he was unable to do so, and it was obvious that the evidence on that point was hearsay. The uncontradicted evidence in the case shows clearly that Applicant can purchase telephone sets from Western Electric at a much lower price than it could from any other supplier.

A comparison of Western Electric prices with the prices of other manufacturers shows that Western prices are generally on a whole lower.

C. Western Electric Company Earnings.

What we have said with respect to Western Electric prices is true as to earnings. No evidence has been introduced in this case which would affect the conclusions reached in our Order of May 6, 1952. This Commission will continue to give consideration to the item of Western Electric Company earnings.

Separations of Interstate and
Intrastate Property and Operations

In our Order of May 6, 1952, we adopted the Charleston Plan for the purpose of making separations of interstate and intrastate operations. No other method has been suggested, and, accordingly, we will continue to follow that plan until some other method would appear more desirable.

Fair Value of the Property of the Applicant
in Colorado

As indicated above, there was incorporated, by reference, from Application No. 11245, testimony of Applicant upon the "value of Colorado property." This testimony was brought up to date by Mr. John I. Boggs, witness for Applicant.

We went into considerable detail in our Order of May 6, 1952, as to what this Commission considered to be the law that controls it in making a valuation of Applicant's property, and we concluded that we are to ascertain fair value on Applicant's property, and were not required to follow any particular set formula. We continue to hold to that conclusion.

Mr. Boggs introduced Exhibit A, entitled "Appraised Value of Colorado Property," which showed a present Reproduction Cost New, less Depreciation Value of the Colorado intrastate property of Applicant, estimated as of December 31, 1953, to be \$112,711,000.00. Included in this value were the elements of Telephone Plant in Service, Telephone Plant under Construction, Property Held for Future Telephone Use, Materials and Supplies, and Cash Working Capital, less the allocated Depreciation Reserve.

Exhibit BV, introduced by the same witness, gave the present value of the Reproduction Cost New, less Depreciation, as \$106,883,000.00,

as of April 30, 1953, including the same elements as enumerated above.

Property Held for Future Telephone Use

The Commission, after due deliberation, considers that "Property Held for Future Telephone Use" is properly includable in the rate base.

Telephone Plant Acquisition Adjustment

The Telephone Plant Acquisition Adjustment Account is small, being merely \$1,137.00, as of April 30, 1953, and by December 31, 1953, will be completely amortized. However, the Commission is still of the opinion that this account is not properly allowable in the rate base.

Telephone Plant under Construction

The amount shown as "Telephone Plant under Construction," includes plant which is being constructed, but which has not yet been placed in service. The Witness Knapp, testifying on behalf of the Colorado Municipal League in Application No. 11245, took the position that Telephone Plant under Construction should not be part of the rate base because it is not yet in service, and because since interest is charged during construction and is included in the amount shown as "Telephone Plant under Construction," to allow Applicant to earn on that interest charged during construction, would amount to a double return.

In the present case, however, the witnesses for the Municipal League agreed that as a practical matter, Telephone Plant under Construction should be included in the rate base. It is evident from past experience and from plans for the immediate foreseeable future, that Plant under Construction will continue to be an item substantial in amount during this period of expansion.

The Commission will allow Telephone Plant under Construction in the rate base, but will continue to require that the related interest charged to Construction be included as an addition to Income in computing the Net Operating Earnings.

Materials and Supplies

The Commission included Materials and Supplies in our prior hearing, resulting in Decision No. 38593, and we see no valid reason for change, so we will include it as a part of the rate base.

Cash Working Capital

While there has been some question as to whether or not Cash Working Capital should be included in the rate base, the Commission, for the reasons stated in its Decision No. 38593, considers that Cash Working Capital is properly includable in the rate base, and that the amount so claimed by Applicant, which is based on its actual working cash, is not excessive.

Total Net Investment

The Applicant presented evidence showing that as of December 31, 1952, the total investment, less allocated depreciation reserve, was \$69,745,450.00; that, as of April 30, 1953, the total investment, less allocated depreciation reserve, was \$74,880,207.00; that, as of June 30, 1953, the estimated amount was \$76,945,839.00, and it is estimated that, as of December 31, 1953, that investment will be \$84,276,000.00. Excluding the Telephone Plant Acquisition Adjustment, which the Commission has disallowed, and after deducting the allocated depreciation reserve, the Commission finds that the value of the property of Applicant, as of April 30, 1953, is not less than \$74,879,000.00.

Operating Results

Applicant has maintained its accounts in accordance with a system of accounts first prescribed by the Interstate Commerce Commission in 1913, and since 1934, has followed a Uniform System of Accounts prescribed by the Federal Communications Commission. Applicant also makes regular reports to this Commission, the Federal Communications Commission, and State Commissions in other states in which Applicant operates. The staff of this Commission has made a careful check of the original books of entry of Applicant, and no question has been raised as to the accuracy of these accounts, and all parties have accepted them as being correct. The accounts are audited regularly by Lybrand, Ross Bros. & Montgomery, independent public accountants. Applicant regularly prepares reports of plant investment, revenues, and expenses by states, since each state area is an operating unit under the direction of State General Managers. These State Reports reduce its revenues and expenses

to a figure for Net Operating Earnings, and show the investment of telephone property applicable to each state, thereby providing a means of measuring operating results. On the books of Applicant, the primary accounts are sub-divided so as to obtain directly therefrom, as nearly as possible, the data required for reports by states. Revenues of each state, including the proper portion of interstate revenues, are recorded separately for each state. The investment in telephone plant applicable to each state is recorded separately. Expenses directly applicable to a particular state, together with the proper portion of division and general office expense, are recorded for each state. These operating reports for state areas cover all operations in the state, including those pertaining to interstate business. Since the telephone plant of Applicant in each state generally is used for both intrastate and interstate operations, and the same employees handle both types of operations, it is necessary for the Applicant to make a separation of the plant and operating expenses and all other factors by means of studies of the usage of the two types of service -- that is, intrastate and interstate. The separations studies are made in accordance with the principles of separating telephone revenues, expenses and property, as outlined in the Separations Manual prepared by the Joint Committee of the National Association of Railroad and Utilities Commissioners and the Federal Communications Commission, the latest revision of which takes into account the modifications adopted under the so-called "Charleston Plan" which was developed and adopted at the 1951 Convention of the National Association of Railroad and Utilities Commissioners. Using the latest revision of the Separations Manual, it was determined in the instant matter that the Colorado intrastate portion of Applicant's property is 25.81% of the total company.

At the original hearing in this case, Applicant presented intrastate operating results for the Year 1952, and estimated results for the Year 1953. However, since the increased rates approved by the Commission under Application No. 11245 were placed in effect by Applicant in June, 1952, the Commission and the Commission's Staff were interested

in examining the actual results of operations under these new rates for the period during which they had been in effect. Also, since Applicant had granted a substantial wage increase, which became effective in June, 1952, it was the Commission's desire to examine the rate of earnings that would have been produced by the new rates under the Order referred to, assuming that the wage increase had not been granted. Accordingly, Applicant was requested to file, and did file, at a subsequent hearing, operating results which would reflect these conditions. In compliance with the request, together with similar requests entered by the Municipal League, the Applicant filed numerous exhibits for various periods, comparing the results with similar data for the preceding year. One set of these exhibits shows the volume of business for a full twelve months ended April 30, 1953, the latest period available on an intrastate basis. The results for the twelve months ending April 30 were adjusted to include the non-effective value of the June, 1952, rate increases for the full period, and likewise, to exclude the effective value of the June, 1952, wage increase as it applied to that period, and as shown by Applicant's Exhibit BP, the Net Operating Earnings would have amounted to \$3,992,563.00, and as shown by Applicant's Exhibit BR relating these earnings to the total investment less allocated depreciation reserve in the amount of \$74,880,207.00, produces a return of 5.33%, as compared to the rate of return authorized by the Commission under Application No. 11245 of 6.35%. These computations constitute a check on the part of the Commission to see whether or not Applicant would have earned the allowed rate of return under the present rates, had it not been for the wage increase, and as indicated by the above ratios, the Applicant, without the wage increase, would have failed to make the allowed rate of return by 1.02%. This demonstrates the Applicant's problem of attrition in rate of return which we are covering more fully in another section of this Order.

With respect to the Colorado intrastate earnings, under present conditions, that is, the current level of rates for wages, pension accruals, and taking into account the reduction in State Unemployment Tax, it was determined that the volume of business for the year ending April 30, 1953,

under the present schedule of rates, would have produced earnings of \$3,536,198.00, as shown in Exhibit BQ, and that relating these earnings to the total investment, less allocated depreciation reserve, as of April 30, 1953, produces a return of 4.72%. It is a foregone conclusion that rates for telephone service can only apply to current and future periods of operation.

The applicant presented evidence of its estimated net earnings as of December 31, 1953, of \$3,654,000.00, and Mr. Knapp presented net earnings of \$3,485,913.00, based on the April 30, 1953 volume of operation. This is an annualized figure, based on ten months operations ending April 30, 1953. The actual figure as of the latter date, as shown by Exhibit No. BQ of the Company, is \$3,536,198.00, which does not include the wage adjustment of August, 1953, hereinafter discussed.

It is the opinion of the Commission that the earnings of \$3,536,198.00 mentioned above, which are based upon actual volumes of business adjusted to the current level of operations, are a sound measure of the operating results on which the Commission should determine rates for the future.

Rate of Return

The principles underlying the determination of a fair rate of return were stated in our Decision No. 38593, of date May 6, 1952, in the previous Telephone Rate Case, as follows:

"The revenues resulting from the rates charged by a utility subject to public regulation should be sufficient to cover all expenses of operation, including depreciation and taxes, and should also provide a fair return to the owners of the property. Decisions of the U. S. Supreme Court have repeatedly stated that the return should be equal to that being made in other businesses having corresponding risks, should be sufficient to assure confidence in the financial soundness of the enterprise, and should be adequate to maintain its credit and to attract the capital necessary for the proper discharge of its public duties. Accordingly, the return should permit the payment of interest and reasonable dividends, and should leave something to be passed to the surplus account. (Hope Natural Gas Co. v. Federal Power Commission, 320 U. S. 591; United Railways and Electric Company v. West, 280 U. S. 250; Bluefield Water Works and Improvement Company v. West Virginia Public Service Commission, 262 U. S. 679).

"The rate making process involves a balancing of the investor and consumer interest, wherein the consumer pays no more than is necessary to provide good service and the investor receives no more than the fair rate of return described above. Applicant company is, and has been since 1946, engaged in a tremendous expansion program to meet the unprecedented post-war demands for telephone service. This program has required, and will continue to require, huge amounts of new capital to be attracted from the investors. Without this expansion, the present and prospective customers cannot be provided with the service they desire. It is therefore in the interests of consumers, as well as investors, that the utility be granted earnings which will make additional investment attractive."

Testimony relating to this difficult problem of fair rate of return occupied the greater portion of the hearing. The Applicant, in its direct case, presented testimony by William F. Schmausser, Vice-President in charge of investment portfolio of the Capital Life Insurance Company of Denver; by Edward C. King, Dean of the School of Law at the University of Colorado and formerly Vice-President in charge of the Trust Department of the International Trust Company of Denver; and by two employees of Applicant, P. E. Remington, Financial Vice-President, and G. N. Steinhauer, General Revenue Supervisor. The Municipal League presented testimony by Charles W. Knapp, Certified Public Accountant of Hartford, Connecticut, who was formerly a member of the staff of the Federal Power Commission; and by Reuben Arthur Zubrow, Assistant Professor of Economics at the University of Colorado.

In rebuttal of Mr. Knapp, Applicant presented testimony by William R. Mee, of Santa Fe, New Mexico, an independent investment counselor and security dealer who has had wide experience in this country's financial markets.

Mr. Schmausser stated that the Applicant's present annual dividend of \$6.00 per share of \$100.00 par value is too low to attract purchasers of its stock at its par value in the amounts which the applicant needs to sell to finance its present rapid expansion. He also claimed that the annual retained earnings have been much too low to permit confidence that even the present dividend rate can be continued. The present surplus, he stated, is less than \$4.00 per share, which, he claimed, does not present a substantial safeguard for the dividend. Mr. Schmausser

contended that in good times, such as at present, earnings should be much better than the average shown by Applicant's history. He presented figures showing that the Applicant's average earnings since 1920 have been 5.94%, but that in order to reach this average, earnings for the best five years averaged 8.36%, and for the best ten years, 7.90%.

Mr. Schmausser's conclusion was that a fair rate of return on a rate base consisting of the Applicant's net investment is 8-1/3%, which would permit dividend payments of \$8.00 per share and retention of about 32% of equity earnings to build up the Applicant's surplus.

Dean King pointed out the difference in purchasing power between the pre-war and the post-war capital invested in Applicant. He stated that the Balance Sheet groups all the invested dollars together; whereas the purchasing power of pre-war dollars was much greater than that of current dollars. As a result, he claimed the current annual book allowance for depreciation, which is expressed in 1953 dollars, fails to cover the year's fair proportion of the real capital of the Applicant being consumed in its operations. He also contended that to afford fair treatment to the purchasing power which was placed in the business by subscribers to Applicant's Common Stock, the net investment rate base should be adjusted so that it reflects the number of 1953 dollars equivalent to the purchasing power the stockholders originally devoted to the business.

Dean King contended that industrial companies generally have priced their product during these post-war years so as to increase their net earnings sufficiently to off-set both the depreciation deficiency and the effects of inflation on the investor's equity and return. He pointed out that the regulation of telephone rates on an original cost basis has prevented the Applicant from making such an adjustment, and he contended that because of this fact, the Applicant's Capital Stock has lost favor with investors.

Dean King's conclusions, as presented on Exhibit W, show that the dollars of net earnings advocated as necessary by Mr. Remington and Mr. Schmausser represent 6.64% on his adjusted net investment rate base,

considering effects of inflation. He contended that comparison of this 6.64% with the current cost of capital demonstrates that the earnings requested are not more than a fair return.

Similar contentions to those advanced by Dean King have been presented by economists in published articles and in other rate cases, and other economists have taken opposing views. The problem is worthy of, and is receiving, further attention by the nation's best economic and accounting authorities. However, it cannot be denied that with respect to industry generally, present accounting and taxation standards require the book investment to be stated as the nominal dollars actually invested and the depreciation expense to be computed on the basis of those nominal dollars. While the earnings of those companies, tempered according to the difference in risk, should be given consideration in determining the necessary rate of return, it does not appear necessary at the present time to increase the depreciation allowance or the net investment rate base as advocated by Dean King. Viewed in this light, his testimony, together with the testimony of Mr. Butler, indicates the necessity for allowing as a fair rate of return something more than the bare cost of capital.

Dr. Zubrow, who teaches Public Utility Economics, among other courses in economics, at the University of Colorado, testified in opposition to Dean King's contentions. He pointed out that since June, 1950, wholesale price indexes have declined and the rise in consumers' prices has been relatively small, indicating the probability that the inflationary spiral has been checked, and that we are now on a new plateau of prices. Dr. Zubrow presented a comparison of the consumer price index with the market price of Applicant's Common Stock over the cycle from 1920 to 1952. He contended that over the entire cycle, purchasers of Applicant's stock have been well treated.

Dr. Zubrow also pointed out that for this Commission to guarantee to the holders of The Mountain States Telephone and Telegraph Company Common Stock, parity on the purchasing power on their investment and the income it earns would be untenable from an economic point of view. To be fair to all the holders of Common Stock in the company, a record would

have to be kept of the cost of the stock and when the stock was purchased or sold. Trying to maintain this parity could result in aggravating, rather than lessening, the economic injustice which arises from changing price levels. Other investors and the rate-paying public at large would not enjoy this protection on their incomes, and the Commission is not in a position to grant this boon to them. From an economic point of view, the proposal itself is inflationary, and, if widely utilized, its overall effect would be to add fuel to the fire and contribute to run-away inflation.

Mr. Knapp, a careful, thorough student of the cost of capital, was appearing before this Commission for the second time, having also testified in the December, 1951 hearing on Application No. 11245 of Applicant. In that hearing, Mr. Knapp stated that in his opinion the fair and reasonable rate of return for Applicant was not more than 6.15%, and not less than 5.65% on a net investment rate base which included cash working capital, but excluded plant under construction. His testimony in that case was summarized in our Decision No. 38593.

In the present case, Mr. Knapp, again testifying for the Colorado Municipal League, stated that, in his opinion, the fair rate of return for the Applicant is not more than 6.45%, and is not less than 5.80%. The lower figure of 5.80% was based entirely upon Bell System requirements computed on a basis that would cover the \$9.00 dividend and allow 12 $\frac{1}{2}$ % of earnings to be retained. This approach would give no consideration to Applicant's situation separately from the Bell System. Mr. Mee pointed out that the 12 $\frac{1}{2}$ % retained earnings is not sufficient to maintain the per-share surplus relating to the American Company Stock. However, Mr. Mee's Exhibit CK gives the thirty-one-year average pay-out ratio for A. T. & T. Company as 91.1%.

Mr. Knapp's higher figure of 6.45% was based on the current cost of capital to a company deriving all of its capital from the public. Since the Applicant is engaged in a tremendous expansion program requiring huge amounts of new capital, it is important that the return allowed meet at least the current cost of capital. Thus, it is important to

examine the basis on which Mr. Knapp arrived at the figure of 6.45%, which represents an increase of .3 of 1% over his recommendation a year and a half ago. This change comes about from a change in cost of debt and equity, and also a change in the debt-equity ratio. In the previous case, Mr. Knapp arrived at his 6.15% estimate of the over-all cost of capital by applying 3.45% current cost of debt with a debt ratio of 44.35%, and an estimated cost of equity capital 8.25% and a 55.65% equity ratio. In the instant matter, he estimates the current cost of debt at 3.9% with a debt ratio of 41.21%, and a current cost of equity 8.2% and an equity ratio of 58.79% to arrive at an over-all cost of capital of 6.428% which he rounds out to 6.45%. Included in this over-all cost of capital is an allowance for the cost of financing of both the debt and equity issues.

In answering Mr. Knapp's testimony on the current cost of capital, Mr. Mee stated that a ratio of over-all debt to total capital of one-third was appropriate, and that to acquire new equity capital at this time would cost 10%, as compared with the 8.20% developed by Mr. Knapp. There is little difference between the two witnesses on the cost of debt capital.

The proportion of the capital structure which should be represented by debt was the subject of a great deal of testimony. While under the Statutes of Colorado this Commission has no jurisdiction over security issues of Applicant, the Municipal League contended that the Commission could, and should, determine the required rate of return for this case on the basis of a higher debt ratio than the Applicant has. Debt capital costs much less than equity, both because of the lower rate required and the deductibility of interest for tax purposes. This Commission could adopt a hypothetical capital structure for rate-making in the event that the Applicant's actual financial structure is not in the long-run public interest, and we have carefully considered whether the Applicant's actual debt ratio is improper, keeping in mind that the responsibility for financial decisions rests with the management.

Applicant's witnesses were unanimous in contending that the desirable capital structure for the Bell System is one-third debt and two-thirds equity. They pointed out that the management has repeatedly stated

that this is its objective, and that if the convertible debentures were converted and the stock authorized for sale to employees was sold, the Bell System would have attained this debt ratio.

Viewing the Applicant separately from its parent, at April 30, 1953, its funded debt held by the public represented 21.60% of its capital, and short-term loans brought its total debt ratio up to 27.58%, and these short-term loans were expected to increase substantially throughout the remainder of 1953. Interest on this entire amount of debt is deductible for purposes of Applicant's payment of Income Taxes.

Witnesses for the Applicant contended that its realistic debt consists of the funded debt in the hands of the public, plus its proportion of the over-riding debt of its parent, the American Company. At December 31, 1952, this over-riding debt represented 18% of Applicant's capital structure, according to a computation made by Mr. Schmausser, so that on this basis the combined debt of the Applicant was around 39%. This is in substantial agreement with Mr. Knapp's Exhibit 517A, Page 3C, which shows 39.13% as the Applicant's debt ratio at April 30, 1953, when considered as part of the Bell System.

Debt ratios of 45% to 50% are regularly encountered in the electric utility field. The question naturally arises whether the telephone industry is over-conservative in striving for a debt ratio of only one-third. Mr. Steinhauer, on behalf of Applicant, presented evidence as to the relative stability of the two types of industries. He contended that the revenues and net earnings of the telephone industry are more volatile than those of the electric industry, and that consequently the debt ratio of the telephone industry should be lower if it is to avoid difficulty during depressed business conditions in the payment of interest, in refunding, or in obtaining new capital. Mr. Schmausser advocated a funded debt ratio of less than 25% for the Applicant, in view of over-riding debt of the American Company, and cited as a reason the narrower margin of safety of these companies as compared with electric utilities. Mr. Mee mentioned the differences in stability, commenting that you could use your neighbor's telephone when you could no longer afford your own,

but you must have your own gas and electricity, and must own your electrical and gas appliances.

Mr. Knapp's computations were based upon a debt ratio of 41.21%, which is substantially higher than the one-third debt ratio advocated by witnesses appearing on behalf of the Company. He stated that, in his opinion, the Applicant could market its debt securities up to 40% of its total capital, and that the Bell System could have a consolidated debt ratio up to or exceeding 50%. The importance of this item is shown by the fact that if Mr. Knapp's cost of equity of 8.20% and his cost of debt of 3.90% were applied to a one-third debt ratio, it would increase his computed current cost of capital to 6.76%, as compared with his conclusion of 6.45%. On the other hand, if Mr. Mee's costs of debt and equity capital were applied to Mr. Knapp's debt ratio, the resulting cost of capital would be 7.4%, instead of 7.9%.

The lower interest charges and the different income tax treatment applicable to debt capital make very real the temptation to finance a greater proportion of the capital structure through debt. Mr. Mee pointed out the difficulties which the railroads had in the depression of the 30's through too heavy reliance on debt, and Mr. Schmausser quoted a paragraph from the November, 1952, Report of the Committee on Corporate Finance of the National Association of Railroad and Utilities Commissioners, to the effect that reliance should be placed not upon apparent gains from low interest rates and tax savings, but upon sound financial practices based on careful analysis of relative risks and volatility. This Commission also approves that report, and finds nothing to criticize in the Applicant's present debt structure. We note from Exhibit Y that in the past five years, Applicant's debt ratio, as of December 31, has varied from 49% in 1948, to 37% in 1952. This ratio must necessarily change as Applicant continues its financing program to meet its needs and we shall continue to give this matter our attention.

As we mentioned heretofore, an important difference between the testimony of Mr. Knapp and that of Mr. Mee relates to the cost of

acquiring new equity capital, which Mr. Knapp placed at 8.20%, and Mr. Mee stated at 10%. Mr. Knapp's ratio of 8.20% was derived by a study of earnings -- price ratios of Bell System Common Stock, including an allowance for the cost of financing of both new and outstanding issues. On the other hand, Mr. Mee's figure of 10% is based primarily on a study of the stock offerings of electric utilities, and we are not convinced that the nation-wide telephone business, stabilized as it is by the continued payment of the \$9.00 dividend of the American Company, is comparable.

A different approach to this problem of fair return was presented by Mr. Remington, the Financial Vice-President of Applicant, whose responsibilities include raising the capital needed to provide for the required expansion. Mr. Remington approached the problem on the basis of the Applicant's history, and present situation, developing a practical test as to what, in his opinion, is needed to place and keep Applicant in a satisfactory financial condition.

Mr. Remington's testimony was that a rate of return of 8-1/3% is necessary, and this is based on the premise that an \$8.00 dividend on Applicant's \$100.00 par stock is required to place the stock in satisfactory position in the financial markets, and that about 32% of earnings should be retained to build up the Applicant's surplus for the "rainy day." We shall discuss these proposals in some detail.

Mr. Remington's Exhibit Y shows the Applicant's dividends per share, debt ratio, and per cent of surplus to plant over a long period. It shows that dividends were \$7.00 per share in the early 20's; were increased to \$8.00 per share in 1927; reduced to \$7.00 per share in 1938, and further to \$6.00 per share in 1943. The surplus per share reached a top ratio of 9 1/2% of total telephone plant in 1930; at the end of 1952, it was only 1.75% of total telephone plant. The debt ratio reached a high mark of 53.24% in 1947, and has since been gradually declining as additional Common Stock was sold to finance the Applicant's expansion. Exhibit X shows that of the last six stock offers, which have been annual affairs since 1948, the public stockholders have subscribed on the average

to only 38.7% of the proportion offered to them. The cities showed through Exhibit X-1 that the most recent of the issues -- that is, 1953 -- was much more successful than the others, although not as successful as offers made in 1946 and 1930. This greater success in 1953 may have resulted from improvement in the Applicant's earnings; however, Mr. Mee stated that, in his opinion, the reason was because of speculative interest in the stock early in 1953 when the price increased sharply to a high of \$114.00, contrary to the trend of the general market.

Applicant contends that its earnings and dividends during the period since 1948 have not been sufficient to attract additional equity capital from the general public in sufficient volume to permit the discharge of its public duties. This was partly because the dividend was not covered by a comfortable margin of earnings. As we look at Exhibit X-1, we think it quite probable that, as Mr. Knapp contended, the earlier stock failures were heavily influenced by the poor earnings and poor dividends in 1947, the year of the strike, and as that year recedes into the past, confidence appears to return.

We think it is probable that the speculative interest in the stock early in 1953 was due to an expectation that the dividend rate might be raised, but there was nothing in the earnings picture which indicated the possibility of annual dividends in excess of \$6.00. It should be understood that the Commission is not recommending any specific dividend treatment to the Applicant, as this is a problem of management.

The provision of a margin of earnings over and above the amount required for dividends is of great importance in establishing the investment quality of a stock. In this respect, the Applicant's stock has declined in quality because its earned surplus per share has declined from \$6.39 at December 31, 1945, as shown by Mr. Remington's Exhibit CE, to \$3.22 per share at April 30, 1953, as shown by Mr. Knapp's Exhibit 515. This decline has been due in large part to the rapid increase in the number of shares of stock outstanding without corresponding increase in the dollars of surplus.

In an effort to show what the annual retained earnings of the

Applicant should be, Mr. Remington pointed out that Moody's 24 Public Utilities have retained 29%, paying out 71% for the seven-year average, and his Exhibit AD-2 provides a basis from which it can be determined that the thirteen electric utility companies operating in the Mountain States Area retained approximately 39% of their earnings. By comparison, assuming Applicant to be an electric utility, Mr. Remington's requirement of 32% would be reasonable; however, Applicant is not an electric utility.

The Commission recognizes the need of an improvement in the Applicant's surplus position. A surplus of two years' dividends is generally regarded as the minimum protection for an investment quality stock, and Applicant should be put in this position as soon as is reasonably possible. It is our view that Applicant requires equity earnings which would permit the payment of a \$6.00 dividend and the accumulation within, say, four years of surplus to protect the dividend.

Based on the actual capitalization as of April 30, 1953, and with earnings of \$8.81 a share and an annual dividend rate of \$6.00, Applicant, at the end of four years, would have \$11.24 in retained earnings. When the existing earned surplus of \$3.22 a share is added to this, it gives a total retained earnings of \$14.46, or 2.4 number of years dividend requirements. Mr. Knapp, on Exhibit No. 515, shows that in ten years, with earnings of \$8.55 a share on Common Stock with a \$6.00 dividend and the actual debt ratio as of April 30, 1953, the Company would have \$25.50 retained earnings, which, when added to the existing surplus per share, would amount to \$28.72, or over four years' dividend requirement.

On this basis, the Commission concludes that equity earnings of \$8.81 per share are reasonable and will permit the payment of a \$6.00 dividend and enough of retained earnings in four years to protect a \$6.00 dividend for a reasonable length of time.

The determination of what should be a fair rate of return is always a most complex and difficult problem. There is no one formula or set of formulae that the Commission can rely upon to arrive at that rate of return, nor can such rate of return be fixed solely by any mathematical calculation. Only a regulatory body can properly resolve all of the dis-

harmonies proceeding from specialized interests of diverse kinds reflected by the testimony of witnesses in cases of this nature. Competent and responsible witnesses have appeared, both on behalf of the applicant and of the Colorado Municipal League, and have expressed their expert opinion as to a fair rate of return, varying from 8-1/3% requested by Applicant, to from 5.80% to 6.45% recommended by protestants. Their various opinions have been based upon various assumed debt ratios, various estimates as to the cost of capital, and other varying factors. And while it is generally recognized that rate of return is a valuable index of earnings requirements, it is not the only means of measuring such requirements, and all relevant available data without restriction to any particular index or formula, must be weighed by the Commission in reaching its conclusions with respect to whether or not the proposed increases are justified. It must be admitted that some of the judgment testimony of what should be the proper rate of return is based on a consideration of the interest of the applicant, the interest of the investor, or theory alone, and does not balance the interest of the interested witnesses with the interest of the consumer.

The question of rate of return demands and has received our careful and thoughtful consideration. We have adopted the year-end rate base as of April 30, 1953, as more realistic for a public utility engaged in an abnormal expansion program and confronted with constantly increasing investment and operating costs than one based on average investment or projected or speculative investment which bears no relationship to actual conditions at the year-end. In the opinion of the Commission, the setting of a rate base on a speculative figure for plant valuation when such improvement would be made in the future, with a compensatory rate of return predicted thereon, is rate-making in reverse. The property should come first, and then the rate of return.

The Commission realizes its responsibility to fix a rate of return which will be within the zone of reasonableness, as defined by the Courts. The Supreme Court of the State of Michigan, in the Case of Detroit v. Railroad Commission, 209 Mich. 395, PUC 1920D 867 (followed in the Case of Michigan Bell Telephone Company v. Public Service Commission,

1952, 50 N. W. (2d) 826, 93 PUR 1952 367), discussed this zone in the following language:

"On matters involving the exercise of good common sense and judgment only, the determination of the Commission must be held to be final unless such determination in its application results in the establishment by clear and convincing proof of a rate so low as to be confiscatory or so high as to be oppressive. What return a public utility shall be entitled to earn upon its invested capital and what items shall be considered as property going to make up the sum total of that invested capital, are questions of fact for the determination of the Commission, and their conclusions thereon, upon which the rate is based, are unassailable, unless, as a necessary result, it can be affirmatively asserted that the resultant rate is unreasonable and unlawful.

"Between the point where a rate may be said to be so low as to be confiscatory, and the point where it must be said to be so high as to be oppressive upon the public, there is a 'twilight zone' within which the judgment of the Commission may operate without judicial interference.

"Assume that the Commission in determining the amount to the capital invested allows as an element of the sum an amount which the court, if charged with the initial duty of determination, might find to be excessive or inadequate, or assume that the Commission, in the exercise of its best judgment, permitted a rate of return upon the invested capital higher or lower than the court, under like circumstances, might believe to be proper; nevertheless, the court would not be warranted in interfering unless the rate as established was clearly unreasonable and unlawful."

Realizing its responsibility, and after careful consideration of the testimony and exhibits, the Commission has come to the conclusion, and finds, that, in view of the current cost of capital and the condition of the money market today, concerning which there appears to be no immediate prospects for improvement, and in view of all of the testimony and exhibits, that a rate of return of 6.69% is adequate, and more than the bare cost of capital on April 30, 1953, and that such a return should be sufficient to assure confidence in the financial soundness of the Applicant Company, and adequate to maintain its credit and to attract the capital necessary for the proper discharge of its public duties. Such a return will produce earnings, after payment of all operating expenses and fixed charges, of approximately \$8.81 per share of Common Stock on the total net investment of the Telephone Company in its Colorado intrastate

property as of April 30, 1953, with a dividend pay-out ratio of 68.1%.

Attrition

The instant application was filed April 3, 1953, approximately six months ago, and during the hearings, the company witnesses emphasized the fact that the lag between the time of filing a rate proceeding and the effective date of an order fixing rates for the future is damaging to a utility during a period of inflation. The Company is incurring huge construction expenditures for expansion of its properties to take care of the persistent demand for additional telephones, and to make necessary plant replacements. The present construction cost levels are much higher than the average reflected by the investment now on the books. While the revenue for each telephone added is at the same returns which are approved and effective for those already in service, the depreciation expense, property taxes, and requirement for return for the average telephone added are much greater than the average for the telephones presently in service. Thus, the new plant constructed cannot earn at the same rate as the present net investment, and as more and more new plant is added, there is a lowering of the average rate of return. This progressive lowering in the rate of return has been called "attrition." There was a thorough discussion of the nature and effects of attrition in our Decision No. 38593, to which reference may be made for a more complete understanding of the matter.

Mr. Remington, testifying for Applicant, stated that this attrition is a continuing factor, and gave his estimate of the dollar amount based upon a fifteen-month and a twelve-month period.

Mr. Knapp, testifying for the Colorado Municipal League, stated that in preparing Exhibit 516, he had used the rate base of \$74,880,207.00 as of April 30, 1953, and had so adjusted the experienced return that it reflected the volume of business as of that same date. He stated that his experienced return of \$3,485,913.00 eliminated any attrition which had occurred prior to April 30, 1953, but did not make any provision for attrition beyond that date. Mr. Knapp further testified that the application of his rate of return of 6.45% to the rate base which included plant under construction and cash working capital, made some allowance for future attrition.

However, irrespective of computations, averages, projections, and speculation, the Commission is of the opinion that it should follow the same reasoning adopted in its Decision No. 38593. It is of the opinion that the valuation of a company's property should be based on the actual net investment, as of the most recent date available to the Commission. The actual net investment, as of April 30, 1953, is \$74,879,070.00, and the Commission believes that by setting the valuation at that figure, such a valuation will provide some compensation for the attrition in the Company's earnings. Moreover, in arriving at a rate of return of 6.69%, as adequate for the Applicant in this proceeding, the Commission has had in mind this question of attrition. It is of the opinion that a 6.69% rate of return on a valuation of the Colorado intrastate property of the Company in the amount of \$74,879,070.00 should yield the Company in the future on the Colorado intrastate portion of its property adequate revenues so that the Colorado intrastate operation can contribute its fair share to the financial stability of the Company, and to the broad expansion program contemplated by the Company for the near future in Colorado.

Revenue Required for Colorado Intrastate Operations

Applying a rate of return of 6.69% to the actual total net investment, as of April 30, 1953, as hereinabove set forth, and deducting the actual net operating earnings adjusted as of said date (Exhibit Bq), produces a net operating earnings deficiency of \$1,473,212.00, computed as follows:

Net Investment, April 30, 1953	<u>\$74,879,070.00</u>
Required Rate of Return. 6.69%	
Required Net Earnings.	\$ 5,009,410.00
Actual Net Earnings, Adjusted as of Apr. 30, 1953.	<u>3,536,198.00</u>
Earnings Deficiency, April 30, 1953.	\$ 1,473,212.00

In the face of the present 52% rate of Federal Income Tax, the State Net Income Tax, the City's Gross Receipts Taxes, the increased License Contract payments, and uncollectible revenues, the Company will retain in its net earnings but 45.75¢ out of every dollar of increased revenue. In other words, there must be a revenue increase of approximately \$2.18579 for every dollar of net operating earnings improvement. Accord-

ingly, the gross revenue deficiency is 2.18579 times the net operating earnings deficiency of \$1,473,212.00, or \$3,220,132.00.

At the conclusion of hearings in this case, Applicant and the C.W.A. were in the process of bargaining new contracts covering wages and working conditions for most of the Applicant's employees in Colorado, and offers of improved wages had been made by Applicant, but had not been accepted by the Union.

According to the evidence, wage costs absorb approximately one-half the operating revenues of Applicant. It is apparent that any general increase in the level of wages will have an immediate and substantial effect upon Applicant's net earnings. It is also apparent that good telephone service depends upon the applicant's being able to attract and hold good employees.

Our Decision No. 38593 in the previous case was issued on May 6, 1952. Following that decision, rates were filed, hearings were held on the rates, and revised rates finally went into effect beginning June 21, 1952. On June 8, 1952, the initial term of Applicant's labor contracts with C.W.A. expired, and the contracts were subject to re-negotiation. In line with prevailing trends, Applicant granted a substantial wage increase to be effective June 10, 1952. Thus a higher level of wages took effect before the rates based on the previous level of wages actually became effective. The evidence in the present case reveals that the effect of the higher wage level was to reduce the Applicant's rate of return by 1.02% under that which the Commission found necessary for it to have. This circumstance played an important part in the necessity for Applicant to apply for further rate relief within a year.

The rate of return herein found necessary by the Commission and the revenues required to make up that rate of return do not include any allowance for future expense changes such as a general wage increase. The Commission feels that the Applicant should be placed in a position where it can actually earn the rate of return found necessary herein. Unless the new level of wages is taken into account in fixing the rates,

that rate of return will not be earned and the inevitable result is that Applicant will be applying again for farther rate relief.

The Applicant, having concluded its bargaining and reached contracts with C.W.A. on August 2 and August 9, 1953, has filed a requested late-filed exhibit (No. 60), which shows that to off-set the effect of the new wage contract on Colorado intrastate operations based on and adjusted for the test year ending April 30, 1953, requires further revenues of \$790,908.00. The Commission concludes that these revenues should be included in determining the new rates -- this being in addition to the \$3,220,132.00, as computed in the previous section of this Decision.

This makes the total amount of additional gross earnings to provide 6.69% rate of return, \$4,011,040.00.

Throughout this proceeding, the Applicant has taken the position that approximately \$6,201,000.00 additional gross revenue was required, without including the wage adjustment referred to in the preceding paragraphs.

The Commission, however, is of the opinion that \$4,011,040.00 in additional gross revenue, including the August, 1953 wage adjustment, is sufficient to assure the customers of Telephone Company of improved telephone service, and to assure the investors of the Telephone Company of the protection of their savings, and of a reasonable return thereon.

F I N D I N G S

THE COMMISSION FINDS:

1. That the Commission has jurisdiction over and with respect to the Applicant, and has jurisdiction to promulgate these Findings and the following Order.

2. That the fair and reasonable value, as of April 30, 1953, of the property of The Mountain States Telephone and Telegraph Company devoted to intrastate service within the State of Colorado, is \$74,879,070.00, consisting of the following:

Telephone Plant in Service	\$39,250,714.00
Property Held for Future Telephone Use	1,519.00
Telephone Plant under Construction	6,230,797.00
Material and Supplies	1,591,920.00
Cash Working Capital	1,469,680.00
Total Investment	\$48,584,530.00

Allocated Depreciation Reserve	\$23,705,560.00
Total Investment, less Allocated Depreciation Reserve	\$74,879,070.00

3. That a fair rate of return on the above-determined fair and reasonable value of the property of The Mountain States Telephone and Telegraph Company devoted to intrastate service in the State of Colorado is 6.69%.

4. That the revenue to which said Company is entitled to enable it to realize such fair rate of return amounts to \$49,785,575.00, being an increase of \$4,011,040.00 over and above the total Colorado intrastate operating revenues of said Company for the year ending April 30, 1953.

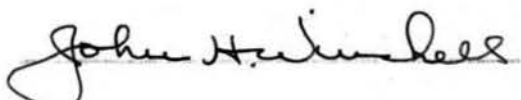
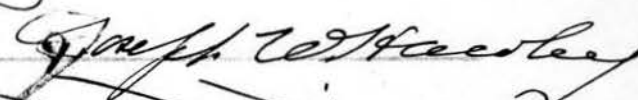

5. That the facts which may have a bearing on such fair value are set forth in the above and foregoing Statement, which, by reference, is made a part of these Findings, and incorporated herein.

ORDER

THE COMMISSION ORDERS:

That the above-stated Findings should be, and hereby are, adopted as the Findings of The Public Utilities Commission of the State of Colorado, in the above-entitled action, and the same shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




 Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	}	APPLICATION NO. 12548-PP
ALVA E. THOMPSON, GENERAL DELIVERY,		
STEAMBOAT SPRINGS, COLORADO, FOR A		
CLASS "B" PERMIT TO OPERATE AS A		
PRIVATE CARRIER BY MOTOR VEHICLE		
FOR HIRE.	}	

October 8, 1953

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, rock and other road surfacing materials from pits and supply points in the State of Colorado, to road and other building construction jobs within a radius of 50 miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; and top soil between points within a radius of 50 miles of Steamboat Springs, Colorado.

Said application was regularly set for hearing at the Court House, Steamboat Springs, Colorado, on September 29, 1953, at ten o'clock A. M., due notice of the time and place being forwarded to all parties in interest.

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

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 Alva E. Thompson, Steamboat Springs, 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 road surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; and top soil between points within a radius of 50 miles of Steamboat Springs, Colorado.

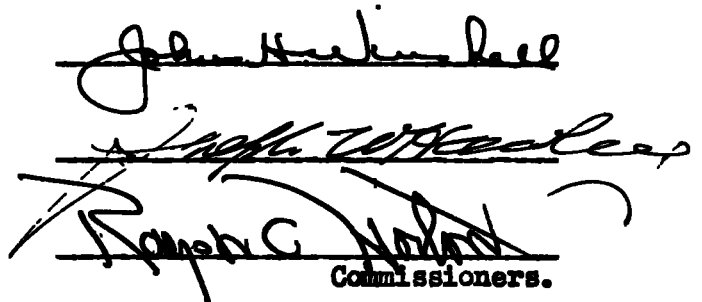
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GENE YELICO, DOING BUSINESS AS)
"TOMA HAWK COAL MINE," 204)
COLUMBIA STREET, DELTA, COLORADO.)

PERMIT NO. C-20450
INS. CASE NO. 66520.

October 8, 1953

S T A T E M E N T

By the Commission:

Heretofore, in Case No. 66520-Ins., the Commission, on September 10, 1953, entered its order, revoking Permit No. C-20450 for failure of respondent to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made.

F I N D I N G S

THE COMMISSION FINDS:

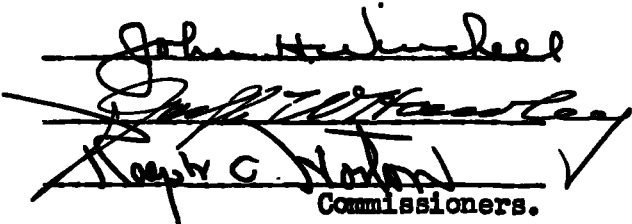
That revocation order entered in Case No. 66520-Ins. on September 10, 1953, should be set aside.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20450 should be, and the same hereby is, reinstated, as of September 10, 1953, revocation order entered in Case No. 66520-Ins. being hereby set aside, cancelled, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1953.

mls

ORIGINAL

(Decision No. 41366)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: VARIOUS CHANGES IN RATES,)
RULES AND REGULATIONS IN THE)
MOTOR TRUCK COMMON CARRIERS')
ASSOCIATION, AGENT, LOCAL AND)
JOINT TARIFF NUMBER 12, COLO-)
RADO P.U.C. NO. 6, ISSUED BY)
J. R. SMITH, CHIEF OF TARIFF)
BUREAU, DENVER, COLORADO.)

CASE NO. 1585

October 7, 1953

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the "Rules of Practice and Procedure", of the Commission, there were filed with the Commission on statutory notice, schedules stating new individual rates, rules, charges and regulations advertised to become effective October 9, 1953, designated as follows:

The Motor Truck Common Carriers' Association, agent, local and freight tariff No. 12, Colo. P.U.C. No. 6, Item 1140 - Special Trips: Add the name of Thomas Lane, d/b/a Thomas Lane Truck Line and Harold M. Swena, d/b/a Swena Transfer and Express, to the list of carriers in this item that make an extra charge for special trips.

Item No. 1005 - Cancel said item which provides that on shipments of dry hides and/or pelts which will be 80% of the rate arrived at by use of the National Freight Classification and the class rates published in the tariff.

Increase the class rate on less than truck load, 5,000 and 10,000 minimum weights, between Denver, Sterling and Greeley on the one hand, and points on the lines of the Northeastern Motor Freight, Inc., on local business and on joint business with Brooks Transportation Company by ten (10) per cent; except no increase shall apply between Sterling, Colorado, on the one hand, and points on the line of the Brooks Transportation Company, on the other hand, on local business.

Item No. 2645 - Ice cream mix, sweetened condensed milk, or sweet cream, for use in making ice cream, in milk shipping cans, from Denver to points on the Northeastern Motor Freight and Brooks Transportation Company, shall be increased by ten (10) per cent.

Item No. 2850 - Milk and/or cream, fresh, cream, sour or curd, in ten (10) gallon shipping cans from various points on the lines of Brooks Transportation and Northeastern Transportation Company to Denver, Colorado, shall be increased by ten (10) per cent.

Item No. 1755 - Canned Goods, edible, subject to minimum weight of 15,000 pounds, establish a reduced rate of 56 cents per 100 pounds from Fort Lupton to Walsenburg, via Weicker Transfer and Storage Company.

Item No. 1756 - Establish a reduced rate of 21 cents per 100 pounds between Denver and Longmont, Mead and Berthoud by the McKie Transfer Company on the following:

Canned Goods: Viz:

Fruits and vegetables, including janes, jellies or preserves and fruit or vegetable juice, packed in accordance with the current classification; feed, animal or poultry, packed in accordance with the current classification; sewer pipe, cement, clay or tile, loose; sugar, in bags or barrels. Minimum weight 10,000 pounds.

Item No. 1802-2 - Establish a rate of 17 cents per 100 pounds on cement in bags or barrels, minimum weight 10,000 pounds, from Denver to Watkins, Bennett, Strasburg and Byers, via the Denver-Byers Truck Line.

Item No. 2872 - Establish reduced rates in cents per 100 pounds on milk, condensed or evaporated, liquid or paste, with or without vegetable fats, in barrels or boxes, minimum weight 36,000 pounds, from Fort Lupton to Colorado Springs - 35; Pueblo - 41; Walsenburg - 48; Trinidad - 53; via Weicker Transfer and Storage Company.

Item No. 3095 - Establish a minimum of ten (10) cans of milk or cream, per shipment, at the prevailing rates from Delta, Grand Junction, Montrose and Rifle to Denver.

Item No. 3557 -- Establish the following reduced distance rates on peat moss, minimum weight 20,000 pounds, from points in Park County to Denver and intermediate points via South Park Motor Lines:

<u>Distance - Miles</u>	<u>Rate</u>
50 and under	20
60 and over 50	22
70 and over 60	23
80 and over 70	25
90 and over 80	27
100 and over 90	29
110 and over 100	31
120 and over 110	33
130 and over 120	35

Item No. 3608 -- Establish a reduced rate of 40 cents per 100 pounds on poultry, dressed, iced in barrels, minimum weight 25,000 pounds, from Yuma, Colorado, to Denver, Colorado; also a rate of 40 cents per 100 pounds on ice in blocks, loose, minimum weight 25,000 pounds from Denver, Colorado, to Yuma, Colorado, via the Yuma County Transportation Company.

Refer to Section 3 of Tariff and establish distance scale of rates in cents per 100 pounds in Plains, Mountain and Differential Territory, on brick and related articles as described in Items Nos. 3900, 3910, 3930 and 3940, for account of Larson Transportation Company, Rio Grande Motor Way, Inc., and South Western Transportation Company, as follows:

<u>Distance - Miles</u>	<u>Plains Scale</u>				<u>Differential Scale</u>				<u>Mountain Scale</u>			
	<u>Rates on</u>				<u>Rates on</u>				<u>Rates on</u>			
	<u>Column</u>				<u>Column</u>				<u>Column</u>			
	A	B	C	D	A	B	C	D	A	B	C	D
5 miles and under	9	11	13	20	1	2	2	3	10	13	15	23
10 miles and over 5	11	13	14	22	2	2	2	3	13	15	16	25
15 miles and over 10	11	13	15	22	2	2	2	3	13	15	17	25
20 miles and over 15	13	14	15	24	2	2	2	4	15	16	17	28
25 miles and over 20	13	15	16	25	2	2	2	4	15	17	18	29
30 miles and over 25	14	15	16	26	2	2	2	4	16	17	18	30
35 miles and over 30	15	16	17	27	2	2	3	4	17	18	20	31
40 miles and over 35	17	18	18	28	3	3	3	4	20	21	21	32
45 miles and over 40	18	18	18	30	3	3	3	5	21	21	21	35
50 miles and over 45	20	20	20	31	3	3	3	5	23	23	23	36
55 miles and over 50	20	22	24	34	3	3	4	5	23	25	28	39
60 miles and over 55	22	24	25	35	3	4	4	5	25	28	29	40
65 miles and over 60	23	24	25	36	3	4	4	5	26	28	29	41
70 miles and over 65	24	25	26	38	4	4	4	6	28	29	30	44
75 miles and over 70	25	26	27	39	4	4	4	6	29	30	31	45
80 miles and over 75	26	27	28	40	4	4	4	6	30	31	32	46
85 miles and over 80	27	28	30	41	4	4	5	6	31	32	35	47
90 miles and over 85	27	28	30	42	4	4	5	6	31	32	35	48

Distance - Miles	Plains Scale				Differential Scale				Mountain Scale			
	Rates on				Rates on				Rates on			
	Column				Column				Column			
	A	B	C	D	A	B	C	D	A	B	C	D
95 miles and over 90	28	30	30	43	4	5	5	6	32	35	35	49
100 miles and over 95	28	30	31	45	4	5	5	7	32	35	36	52
110 miles and over 100	30	31	33	47	5	5	5	7	35	36	38	54
120 miles and over 110	31	33	34	48	5	5	5	7	36	38	39	55
130 miles and over 120	33	34	35	50	5	5	5	8	38	39	40	58
140 miles and over 130	34	35	36	52	5	5	5	8	39	40	41	60
150 miles and over 140	34	36	38	53	5	5	6	8	39	41	44	61
160 miles and over 150	36	38	39	55	5	6	6	8	41	44	45	63
170 miles and over 160	38	39	40	56	6	6	6	8	44	45	46	64
180 miles and over 170	38	39	41	59	6	6	6	9	44	45	47	68
190 miles and over 180	42	43	45	60	6	6	7	9	48	49	52	69
200 miles and over 190	47	48	50	61	7	7	8	9	54	55	58	70
210 miles and over 200	48	50	51	63	7	8	8	9	55	58	59	72
220 miles and over 210	50	51	53	64	8	8	8	10	58	59	61	74
230 miles and over 220	51	53	55	65	8	8	8	10	59	61	63	75
240 miles and over 230	53	55	56	67	8	8	8	10	61	63	64	77
250 miles and over 240	55	56	59	68	8	8	9	10	63	64	68	78
260 miles and over 250	58	59	60	70	9	9	9	11	67	68	69	81
270 miles and over 260	60	61	63	72	9	9	9	11	69	70	72	83
280 miles and over 270	61	63	64	73	9	9	10	11	70	72	74	84
290 miles and over 280	63	64	65	74	9	10	10	11	72	74	75	85
300 miles and over 290	64	65	67	76	10	10	10	11	74	75	77	87

No protests have been received by the Commission relative to the changes proposed.

FINDINGS

THE COMMISSION FINDS:

That, the statement hereinbefore set forth should be made a part hereof; that the proposed changes referred to should be authorized and an order be entered authorizing same.

ORDER

THE COMMISSION ORDERS:

- 1 - That the statement and findings be and are made a part hereof.
- 2 - This order shall become effective forthwith.
- 3 - The rates, rules, regulations and provisions as published and referred to above, shall on October 9, 1953, be the prescribed rates, rules, regulations and provisions of the Commission.

4 - All motor vehicle common carriers who are not parties to the Motor Truck Common Carriers' Association, Agent, Freight tariff No. 12, Colo. P.U.C. No. 6, as they are affected by the changes prescribed herein, shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

5 - All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carrier.

6 - On and after October 9, 1953, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent where such rule is applicable.

7 - On and after October 9, 1953, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent where said rule is applicable.

8 - This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

9 - The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission,

10 - Jurisdiction is retained to make such further orders as may be necessary and proper.

original

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John Gulinski
Joseph W. Hawley
Ralph C. Hobart
Commissioners

Dated at Denver, Colorado
this 7th day of October, 1953.

hs

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

RE MOTOR VEHICLE OPERATIONS OF)
WINSTON O. BARTON, BOX 444,)
LITTLEFIELD, TEXAS.)

PERMIT NO. C-30925

October 16, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Winston O. Barton

requesting that Permit No. C-30925 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: 1

That Permit No. C-30925, heretofore issued to _____

Winston O. Barton _____ be,

and the same is hereby, declared cancelled effective September 25, 1953.

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

John H. Linch
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLAUDE DAVES & JESS McBEE, DOING)
BUSINESS AS "DAVES-McBEE PONTIAC CO.,")
45 WEST MAIN STREET, CORTEZ,)
COLORADO.)
-----)

PERMIT NO. C-30795

October 16, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Claude Daves & Jess McBee, dba "Daves-McBee Pontiac Co." _____
requesting that Permit No. C-30795 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-30795, heretofore issued to _____
Claude Daves & Jess McBee, dba "Daves-McBee Pontiac Co." _____ be,
and the same is hereby, declared cancelled effective August 23, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Joseph W. Hawley
Ralph C. Norton

Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
A. H. BRANDEBERRY, 600 SO. PATTON CT.)
DENVER 19, COLORADO.)
)
)
)
-----)

PERMIT NO. C-30396

October 16, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

_____ A. H. Brandeberry _____

requesting that Permit No. C-30396 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: :

That Permit No. C-30396, heretofore issued to _____

_____ A. H. Brandeberry _____ be,

and the same is hereby, declared cancelled effective September 24, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Linchell
Philip W. Hazzard
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
VINCENT BECKMARK, DOING BUSINESS AS)
"A & B TRANSPORT CO.," BRIDGEPORT,)
NEBRASKA.)
-----)

PERMIT NO. C-30290

October 16, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Vincent Beckmark, dba "A & B Transport Co."

requesting that Permit No. C-30290 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-30290, heretofore issued to _____

Vincent Beckmark, dba "A & B Transport Co." be,

and the same is hereby, declared cancelled effective September 28, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph W. Haevel
Ralph C. Hord
Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES HAJNY, DOING BUSINESS AS)
"CHARLIE'S FEED & PRODUCE," 620)
CURTIS, BRUSH, COLORADO.)
-----)

PERMIT NO. C-29850

October 16, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Charles Hajny, dba "Charlie's Feed & Produce"

requesting that Permit No. C-29850 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29850, heretofore issued to _____

Charles Hajny, dba "Charlie's Feed & Produce" be,

and the same is hereby, declared cancelled effective September 2, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Finchell
Rep. C. E. Hester
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOE A. MAPLIEDE, DOING BUSINESS AS)
"GRAND SHOES SERVICE," 1482)
COLUMBINE STREET, DENVER 6, COLORADO.)
-----)

PERMIT NO. C-24806

October 16, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Joe A. Mapliede, dba "Grand Shoes Service"

requesting that Permit No. C-24806 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-24806, heretofore issued to _____

Joe A. Mapliede, dba "Grand Shoes Service" be,

and the same is hereby, declared cancelled effective October 2, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MELVIN R. GINGERICH, 4741 EAST)
3RD STREET, TUCSON, ARIZONA.)

PUC NO. 2609-I

October 16, 1953

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Melvin R. Gingerich, Tucson, Arizona, requesting that Certificate of Public Convenience and Necessity No. 2609-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

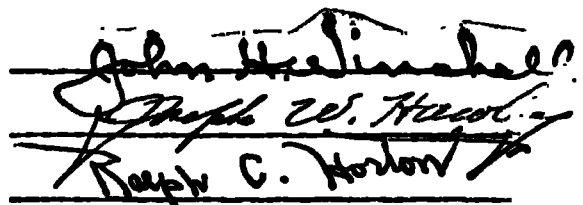
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2609-I, heretofore issued to Melvin R. Gingerich, Tucson, Arizona, be, and the same is hereby, declared cancelled effective September 22, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CHANGES IN RATES)
ON LIVESTOCK.)

CASE NO. 1585

October 9, 1953

Appearances: John H. Lewis, Esq., for Yockey Trucking Service;
William M. Brayden for the Commission.

STATEMENT

By the Commission:

On July 2 and July 23, 1952, The Motor Truck Common Carriers' Association, as agent, filed two applications designated as 233 and 234, respectively, as follows:

APPLICATION NO. 233

For and on behalf of Dewey Bibbey; Leona Blakley and Alice Frances Hoyt, doing business as Blakley and Blakley; Vernon Dotson; Chris Sorenson, doing business as Sorenson Truck Service; Ethel E. Sorenson, doing business as Sorenson Truck Service; and the Yockey Trucking Company, Inc., to publish the following:

"Refer to Section No. 6 of Colo. P.U.C. No. 6 and provide the following exception to the distance scales of rates applicable on shipments of livestock:

"Rates published herein for the transportation of livestock, subject to minimum weights of 16,000 and 18,000 pounds, will not apply from, to or between points located in Mountain territory via Dewey Bibbey; Leona Blakley and Alice Frances Hoyt, doing business as Blakley & Blakley; Vernon Dotson; Chris Sorenson, doing business as Sorenson Truck Service; Ethel E. Sorenson, doing business as Sorenson Truck Service; and the Yockey Trucking Company, Inc."

APPLICATION NO. 234

For and on behalf of Oliver F. & Oliver J. Clyncke, doing business as Oliver Clyncke; Guy Hart, doing business as Farm Hauling Service; Chris Sorenson, doing business as Sorenson Truck Service, and Ethel E. Sorenson, doing business as Sorenson Truck Service.

To publish an exception to the distance rates on livestock, as follows:

The following rates in cents per 100 pounds, subject to a minimum weight of 5,000 pounds, will apply on shipments of livestock (subject to Item No. 4460) from, to and between points in Boulder County, those in Larimer County on the south of U.S. Highway 34 and those in Weld County south of U.S. Highway 34 and west of a line drawn north and south through a point two miles east of Johnstown, Colorado:

<u>Distance-Miles</u>	<u>Plains</u>	<u>Differential</u>	<u>Mountain</u>
5	9	3	12
10	11	3	14
15	15	3	18
20	19	6	25
25	23	7	30
30	24	7	31
35	25	8	33
40	26	8	34
45	27	8	35
50	28	8	36
55	29	9	38
60	30	9	39

By its order dated August 6, 1952 (Decision No. 39169), the Commission assigned these matters for hearing before Examiner Wood on August 28, 1952, in the hearing room of the Commission, 330 State Office Building, Denver, Colo.

The hearing was held as scheduled and at its conclusion was taken under advisement.

At the hearing, Ralph Yockey, President and General Manager, Yockey Truck Service, Inc., was the only one of the applicants to appear. Subsequent to the hearing, Chris Sorenson and Alice Frances Hoyt advised the rate department of the Commission that due to the pressure of business on the date of the hearing, they inadvertently overlooked the said hearing, and stated they were in full accord with the petition.

In support of application No. 233, Witness Yockey testified, that on the basis of his own experience, the livestock rates in Mountain Territory and Interterritorially, on minimum weights of 16,000 and 18,000 pounds are entirely inadequate to cover the cost of the required transportation. He stated the average weight per shipment in Plains Territory was 24,680 pounds, while for the same equipment in Mountain Territory, it was 18,220 pounds; that in making movement from and to Mountain Territory, there is never a two-way movement, while in Plains Territory, two-way movements averaged 6 plus % of such movements;

that in Plains territory movements, the average diesel fuel oil consumption was approximately five (5) gal. per mile and 2.65 gal. per mile in Mountain territory. As an example, the witness stated the rate making distance between Denver and Parshall is 91 miles and the rate for such distance, subject to a minimum weight of 18,000 pounds is 33 cents per 100 pounds and consumes 12 hours time; that for a rate of 33 cents in Plains territory, he would travel 130 miles and consume only 8 hours time; that his traffic to and from mountain territory represented about 10% of his total traffic.

The following data has been compiled by the staff of the Commission from the annual reports and monthly road tax reports of the Yockey Trucking Company, Inc:

	<u>Total Revenue</u>	<u>Total Expense</u>	<u>Net Profit or Loss</u>	<u>Total Ton Miles</u>
1951	\$339,805.45	\$331,878.47	\$ 7,926.98	4,850,713
1952	299,894.84	308,975.16	<u>9,080.32</u>	4,125,629
	<u>Revenue Per Ton-Mile</u>	<u>Operating Ratio</u>	<u>Investment Less Depreciation</u>	<u>Per Cent of Profit On Investment</u>
1951	\$.0701	97%	\$ 55,296.78	14.33
1952	.0727	103.3%	62,561.41	<u>14.51</u>
	<u>Expense Per Ton-Mile</u>			
1951	\$.0684			
1952	.0749			

The total revenue in 1952 was \$39,910.61 less than in 1951, or 11.75%. The expense in 1952 was \$22,903.31 less than in 1951, or 6.9%. The ton-miles traveled in 1952 was 725,084 less than in 1951, or 14.9%.

On the basis of the Denver-Parshall movement hereinbefore referred to, the 10,000 pounds minimum weight rate is 40 cents per 100 pounds, which would produce \$.0776 revenue per ton mile. Such an earning does not greatly exceed the 1952 expense per ton-mile.

It will also be noted that while there was less revenue, expenses and ton-miles in 1952, the expenses did not decrease proportionately with the revenue and ton-miles.

The issues involved in Application No. 234 have been disposed of in Decision No. 40250 and 40338 dated April 15 and 24, 1953, respectively.

The record herein shows that Yockey is entitled to some relief. However, we do not feel that the record warrants the full relief sought.

In Decision No. 40976 dated July 17, 1953, we prescribed the 15,000 pounds minimum weight rates for application from, to and between points and places in Moffat and Routt Counties. In line with this decision, it appears that the elimination of the rates subject to a minimum weight of 18,000 pounds from to and between points in the Mountain territory in connection with the operation of the Yockey Trucking Company, Inc., will result in a fair and proper adjustment.

F I N D I N G S

THE COMMISSION FINDS:

That, the proposed basis of rates has not been justified. An order should be entered discontinuing the proceeding without prejudice to the establishment by the Yockey Trucking Company, Inc., of rates in conformity with the views expressed herein, on ten (10) days' notice in accordance with the law and the rules and regulations of the Commission.

O R D E R

THE COMMISSION ORDERS:

- 1 - This order shall become effective 21 days from date.
- 2 - The statement and findings are made a part hereof.
- 3 - The adjustment requested in Application No. 233 be and it is hereby denied.
- 4 - The order entered in Case No. 1585 on February 6, 1936, as since amended shall continue in force until the further order of the Commission.

5 - Jurisdiction is retained to make such further orders as may be
necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Wheeler
Joseph W. Keeney
Joseph C. Hahn
Commissioners

Dated at Denver, Colorado
this 9th day of October, 1953.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD MC CONNELL, HERSHEY,)
NEBRASKA.)
-----)

PUC NO. 930-I
CASE NO. 66644-INS.

October 13, 1953

S T A T E M E N T

By the Commission:

On October 6, 1953, in Case No. 66644-Ins., the Commission entered its order, revoking PUC No. 930-I for failure of respondent to keep effective insurance on file with the Commission.

Inasmuch as proper insurance is now on file with the Commission,

F I N D I N G S

THE COMMISSION FINDS:

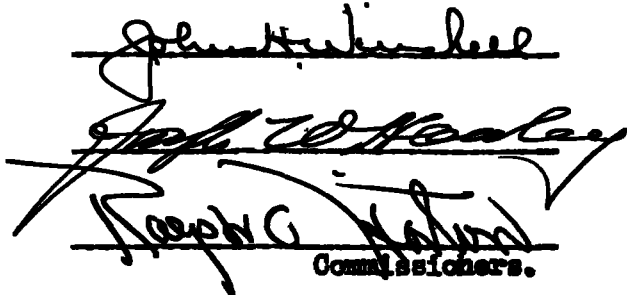
That said revocation order should be set aside.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 930-I should be, and the same hereby is, reinstated, as of October 6, 1953, revocation order entered by the Commission in Case No. 66644-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) JAKE BETTGER, STEAMBOAT SPRINGS,) COLORADO, FOR A CLASS "B" PERMIT) TO OPERATE AS A PRIVATE CARRIER BY) MOTOR VEHICLE FOR HIRE.) -----)	<u>APPLICATION NO. 12543-PP</u>
---	---------------------------------

October 13, 1953

Appearances: Jake Bettger, Steamboat Springs,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Jake Bettger, Steamboat Springs, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal from Hayden Divide to Hayden Tipple; and sand, gravel, and road-building materials within a radius of 50 miles of the pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Steamboat Springs, Colorado, on September 29, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that his equipment consists of one 1947 Ford, one 1948 GMC, and one 1951 GMC, all with dump bodies, and his net worth is \$5,000.00. He has been engaged in the trucking business under temporary authority from this Commission. He asks that the application be amended to include the transportation of coal from a mine to be opened by one Louis Ciani about six miles south of Mt. Harris, Colorado, to the Hayden Tipple at Hayden, Colorado, and to the McGregor Tipple, Milner, Colorado, the transportation to be for Ciani only. He also wishes to haul sand and gravel and road-building materials for contractors generally, and is now hauling same for the Hubner Construction Company at Hayden.

No one appeared in opposition to the granting of 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 which applicant seeks to serve.

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 Jake Bettger, Steamboat Springs, 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 the mine of Louis Ciani six miles south of Mt. Harris, Colorado, to the Hayden Tipple at Hayden, Colorado, and to the McGregor Tipple at Milner, Colorado, said transportation to be for Louis Ciani only, without authority to add customers without the consent of the Commission; sand, gravel and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. H. H. H.

Philip C. H. H. H.
Ralph C. H. H. H.
Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. E. COLLINS, OAK CREEK, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 12544-PP

October 13, 1953

Appearances: B. E. Collins, Oak Creek,
Colorado, pro se;
N. K. Hoskinson, Oak Creek,
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 mines within a radius of 15 miles of Oak Creek, to points within a radius of 50 miles of Oak Creek, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Steamboat Springs, Colorado, September 29, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that his equipment consists of one 1952 International Truck, and one MCM 1953 truck, and his net worth is \$30,000.00. He has been hauling coal for Mr. W. D. Dunn, who operates a mine three miles west of Oak Creek, the coal being transported to the Tipple at the Keystone Mine two miles northeast of Oak Creek. He started this operation on September 9, 1953, under temporary authority from the Commission.

W. D. Dunn, who owns the mine from which this coal is being hauled, also owns the Keystone Mine, where the Tipple is located, and testified in support of the application. The coal is loaded on railroad cars at Oak Creek from the Tipple referred to, and applicant is the only carrier in the territory who has equipment large enough to meet the needs of the witness.

N. K. Hoskinson, owner of PUC-1720, with authority in the same area, testified that there was no need for an additional carrier. He stated that he had hauled coal from the Arrowhead, Keystone and Edna Mines during the winter time, but last spring, in May 1953, leased his equipment to the Yampa Truck Line and is driving a truck for that company. The lease was for a period of six months with a thirty-day cancellation privilege to either party. He owns two Chevrolet dump trucks, which are located at Oak Creek and not in use by the Yampa Truck Line, for which he is the Oak Creek agent. He has no large equipment available. His only interest appeared to be in hauling coal for Mr. Dunn's employees, who buy the coal from Dunn at a reduced price and have it hauled from the Dunn Mine to their homes in Oak Creek. Applicant stated that he was not interested in such transportation.

It appears from the testimony that applicant is hauling from 300 to 400 tons per day from the Dunn Mine to the Tipple at the Keystone Mine, and that Mr. Dunn expects his daily output to be increased. When Mr. Dunn started the operation, he asked for bids on this transportation and applicant was the only one who submitted a bid and who has the proper equipment. Inasmuch as the transportation of coal handled by Hoskinson for the Yampa Truck Line is not desired by applicant, and Hoskinson does not have the equipment to furnish the service now furnished by applicant, it appears to the Commission that an order can be entered protecting the interest of both parties.

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of the record, the Commission is of the opinion and finds that the instant application should be granted with authority limited, as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That B. E. Collins, Oak Creek, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal from mines within a radius of 15 miles of Oak Creek to points within a radius of 50 miles of Oak Creek, Colorado, except that he shall not be authorized to transport coal for the employees of W. D. Dunn from his presently-operated coal mine to Oak Creek, Colorado.

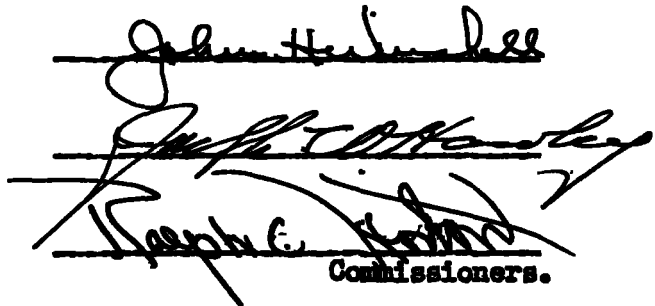
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LE ROY FOLLETT, BOX 24, WALDEN,)	
COLORADO, FOR A CLASS "B" PERMIT)	<u>APPLICATION NO. 12545-PP</u>
TO OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	
-----)	

October 13, 1953

Appearances: Le Roy Follett, Walden,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, LeRoy Follett, Walden, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of unfinished lumber, and coal between points within a 50-mile radius of Walden, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Steamboat Springs, Colorado, September 29, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is now transporting unfinished lumber from Willow Creek Pass to the finishing plant of the Michigan River Timber Company at Walden, Colorado, and has an oral contract for this service for a period of 25 years. The commodities consist of rough lumber and logs. He is operating under temporary authority from this Commission.

Applicant's equipment consists of one 1948 GMC truck with 2-ton flat bed, two Army cars with six-wheel drive and flat bed, and he is fully equipped to perform this service requested. His net worth is \$6,000.00.

He wishes to haul coal from the mine of the Marr Coal Company, approximately 7 or 8 miles east of Walden, to Walden, and anticipates no other coal transportation.

No one appeared in opposition to the 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 which applicant seeks to serve.

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 LeRoy Follett, Walden, 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 unfinished lumber and coal between points within a 50-mile radius of Walden, 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 13th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES C. NIELSEN, CRAIG, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 12546-PP

October 13, 1953

Appearances: James C. Nielsen, Craig,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, James C. Nielsen, Craig, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal between points within a radius of 50 miles of Craig, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Steamboat Springs, Colorado, September 29, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant requested that his application be amended so as to permit the transportation of coal between points within a radius of 100 miles of Craig, Colorado, so as to include the shipping point of Rifle, Colorado. There being no objection, the application was so amended.

Applicant testified that he wishes to haul coal from the Taylor Coal Mining Company, approximately 34 miles south of Craig, and the mine of the Colo-Wyo Coal Mining Company, 29 miles south of Craig, the coal to be transported either to Craig or Rifle, Colorado. He owns a 1946 International truck and has been hauling coal under temporary authority from this Commission and also under a commercial permit of Taylor Coal Mining Company. His net worth is \$15,000.00.

No one appeared in opposition to the 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 which applicant seeks to serve.

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 James C. Nielsen, Craig, 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 between points within a radius of 100 miles of Craig, Colorado.

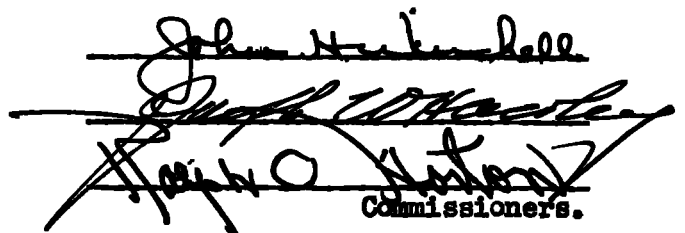
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1953.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACK ARNOLD, GRANBY, COLORADO, FOR) APPLICATION NO. 12542-PP-Extension
AN EXTENSION OF PERMIT NUMBER B-4051.)

October 13, 1953

Appearances: Jack Arnold, Granby, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Jack Arnold, Granby, Colorado, seeks an extension of authority under private Permit No. B-4051 to include the transportation of forest and sawmill products from forest and sawmills within a radius of 25 miles of Granby to sawmills and delivery points within said area and from and to points in said area to and from points within a radius of 100 miles of Granby, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Steamboat Springs, Colorado, on September 29, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been operating continuously under his private Permit No. B-4051 and under a commercial permit. He now wishes an extension of his authority so that he may haul logs for the Broderick Wood Products Company, which operates a sawmill at Granby, the authority to include the haul of forest products to the sawmill at Granby and from Granby to Denver. Applicant owns a 3½-ton 1953 Reo truck with logging equipment, which he expects to use in this transportation and other trucks which he uses under the private permit. His net worth is \$10,000.00.

No one appeared in opposition to the granting of the authority sought, and it did not appear that applicant's proposed extended operation

will impair the efficiency of any motor vehicle common carrier service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

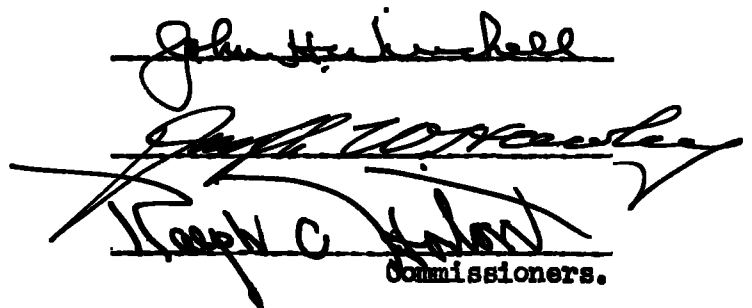
O R D E R

THE COMMISSION ORDERS:

That Jack Arnold, Granby, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4051 to include the transportation of forest and sawmill products from forests and sawmills within a radius of 25 miles of Granby to sawmills and delivery points within said area and from and to points in said area to and from points within a radius of 100 miles of Granby, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM A. SEIWALD, 4315 UTICA)
STREET, DENVER, COLORADO, UNDER)
CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY GRANTED BY)
DECISION NO. 22547.)

CASE NO. 5060

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM A. SEIWALD, 4315 UTICA)
STREET, DENVER, COLORADO.)

PERMIT NO. A-653

SUPPLEMENTAL ORDER

October 13, 1953

Appearances: Philip A. Rouse, Esq., Denver,
Colorado, for Respondent;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Over-
land Motor Express;
William T. Secor, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On September 16, 1953, Decision No. 41238 was entered by the Commission in the above-entitled matter.

On October 7, 1953, "Petition for Rehearing" was filed by Respondent, by his Attorney, Philip A. Rouse.

The Commission has reviewed the evidence adduced at the hearing on said matter, and has carefully considered "Petition for Rehearing" filed herein.

F I N D I N G S

THE COMMISSION FINDS:

That said "Petition for Rehearing" should be denied.

O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing" filed herein by Respondent, by his

Attorney, Philip A. Rouse, should be, and the same is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hunsdale

Ralph C. [Signature]

Ralph C. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
LINCOLN STORAGE & MOVING COMPANY,
3429 TROOST AVENUE, KANSAS CITY,
MISSOURI.

} PUC NO. 1585-I
} CASE NO. 65611-INS.
}

October 13, 1953

S T A T E M E N T

By the Commission:

On June 15, 1953, in Case No. 65611-Ins., the Commission entered its order, revoking PUC No. 1585-I for failure of Respondent to keep effective insurance on file with the Commission.

It now appears that insurance was in effect on June 15, 1953, covering operations of Respondent, but through misunderstanding of its insurance agent, Certificate of Insurance was not filed with the Commission; that said Certificate of Insurance is now in on file with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Order of revocation should be set aside, and said certificate restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 1585-I should be, and hereby is, restored to active status, as of June 15, 1953, revocation order entered by the Commission in Case No. 65611-Ins. on June 15, 1953, being hereby set aside, vacated, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell

Paul C. Hester

Ralph G. Holman
Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1953.

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

RE MOTOR VEHICLE OPERATIONS OF)
TONY MEADOR, HESPURUS, COLORADO.)

PERMIT NO. C-29940

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Tony Meador

requesting that Permit No. C-29940 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29940, heretofore issued to _____

Tony Meador _____ be,

and the same is hereby, declared cancelled effective September 26, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DAVID LEIS, DOING BUSINESS AS)
"DAVES SECOND HAND STORE," ROUTE I,)
BOX A-29, BRUSH, COLORADO.)
-----)

PERMIT NO. C-29183

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

David Leis, dba "Daves Second Hand Store"

requesting that Permit No. C-29183 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: :

That Permit No. C-29183, heretofore issued to _____

David Leis, dba "Daves Second Hand Store" _____ be,

and the same is hereby, declared cancelled effective October 9, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. W. Marshall
Ralph C. W. Marshall
Ralph C. W. Marshall

Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
D. O. EDMONDS, DOING BUSINESS AS)
"INSULATION SPECIALTY CO.," 3035)
GLENCOE STREET, DENVER 7, COLORADO.)
-----)

PERMIT NO. C-28442

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

D. O. Edmonds, dba "Insulation Specialty Co."

requesting that Permit No. C-28442 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28442, heretofore issued to _____

D. O. Edmonds, dba "Insulation Specialty Co." be,

and the same is hereby, declared cancelled effective October 7, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winkler
Robert C. H. H. H.
Robert C. H. H. H.

Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
FRANK J. KLINE, 225 12th AVENUE,)
IDAHO SPRINGS, COLORADO.)

PERMIT NO. C-28420

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Frank J. Kline

requesting that Permit No. C-28420 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28420, heretofore issued to _____

Frank J. Kline be,

and the same is hereby, declared cancelled effective October 3, 1953.

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

John H. Linch
Ralph W. Hazen
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 19th day of October , 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
NORMAN BURGE, ROUTE I, BOX 253,)
FT. LUPTON, COLORADO.)

PERMIT NO. C-28382

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Norman Burge

requesting that Permit No. C-28382 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28382, heretofore issued to _____

Norman Burge **be,**

and the same is hereby, declared cancelled effective October 6, 1953.

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

John H. Winchel
 Joseph W. Hecox
 Joseph C. Hecox
 Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
N. GORDON JOHNSON, ROUTE I, BOX 300,)
BROOMFIELD, COLORADO.)
)
)
)
-----)

PERMIT NO. C-27843

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

N. Gordon Johnson

requesting that Permit No. C-27843 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: :

That Permit No. C-27843, heretofore issued to _____

N. Gordon Johnson be,

and the same is hereby, declared cancelled effective September 17, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hines
Joseph W. Hines
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
FRED LEIS, DOING BUSINESS AS)
"FRED'S FRONTIER SERVICE," BOX A 29,)
ROUTE 1, BRUSH, COLORADO.)

PERMIT NO. C-27532

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Fred Leis, dba "Fred's Frontier Service"

requesting that Permit No. C-27532 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27532, heretofore issued to Fred Leis, dba

"Fred's Frontier Service"

be,

and the same is hereby, declared cancelled effective **October 9, 1953.**

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

Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

pls

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

RE MOTOR VEHICLE OPERATIONS OF)
WES MOUNTS, 116 NO. UNIVERSITY,)
ENID, OKLAHOMA.)

PERMIT NO. C-26392

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Wes Mounts

requesting that Permit No. C-26392 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-26392, heretofore issued to _____
Wes Mounts _____ be.

and the same is hereby, declared cancelled effective August 11, 1953.

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

John H. Winchel
~~Ralph C. Horton~~
 Ralph C. Horton
 Commissioners

Dated at Denver, Colorado,

this 19th day of October , 1953.

mle

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN L. MCGILL, HUDSON, COLORADO.)

PERMIT NO. C-19376

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

John L. McGill

requesting that Permit No. C-19376 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-19376, heretofore issued to _____

John L. McGill be,

and the same is hereby, declared cancelled effective October 9, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. McMichael
Ralph C. Hudson
Ralph C. Hudson
Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JAMES D. PATTERSON, BOX 56, 6225)
WADSWORTH AVENUE, ARVADA, COLORADO.)
_____))
_____)

PERMIT NO. C-1309

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

James D. Patterson

requesting that Permit No. C-1309 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-1309, heretofore issued to _____

James D. Patterson
_____ be,

and the same is hereby, declared cancelled effective October 9, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Edinshell
Joseph C. Horton
Joseph C. Horton
Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FLAVIO ROMERO, BOX 55, RYE STAR)
ROUTE, PUEBLO, COLORADO.)

PUC NO. 2439

October 19, 1953

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Flavio Romero, Pueblo, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2439 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. 2439, heretofore issued to Flavio Romero, Pueblo, Colorado, be, and the same is hereby, declared cancelled effective October 9, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Ralph C. Horton
Ralph C. Horton
Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS TELLA, 2101 MAIN AVENUE,)
DURANGO, COLORADO.)
)
)
)
-----)

PERMIT NO. C-16930

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Thomas Tella

requesting that Permit No. C-16930 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-16930, heretofore issued to _____

Thomas Tella be,

and the same is hereby, declared cancelled effective September 27, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell

Joseph C. Hunsley

Reynold C. Gordon

Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: VARIOUS CHANGES IN RATES,)
RULES AND REGULATIONS IN THE)
MOTOR TRUCK COMMON CARRIERS')
ASSOCIATION, AGENT, LOCAL AND)
JOINT TARIFF NUMBER 12, COLO-)
RADO P.U.C. NO. 6, ISSUED BY)
J. R. SMITH, CHIEF OF TARIFF)
BUREAU, DENVER, COLORADO.)

CASE NO. 1585
SUPPLEMENTAL ORDER

October 14, 1953.

S T A T E M E N T

By the Commission:

By Decision No. 41366, dated October 7, 1953, the Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, filed with the Commission, on statutory notice, schedules stating new individual rates, rules, charges, and regulations advertised to become effective October 9th, 1953.

Included in these new individual rates was Item No. 2850, wherein it was proposed to increase by fifteen (15) per cent the rates on milk and/or cream, fresh, cream, sour or curd, in ten (10) gallon shipping cans from various points on the lines of the Brooks Transportation and Northeastern Transportation Company, to Denver Colorado.

The "Statement" in Decision No. 41366 reads as follows:

'Item No. 2850 - Milk and/or cream, fresh, cream, sour or curd, in ten (10) gallon shipping cans from various points on the lines of Brooks Transportation and Northeastern Transportation Company, to Denver, Colorado, shall be increased by ten (10) per cent.'

FINDINGS

THE COMMISSION FINDS:

That, Item No. 2850, as set forth, in the Statement in Decision No. 41366, should be amended to read:

"Item No. 2850 - Milk and/or cream, fresh, cream, sour or curd, in ten (10) gallon shipping cans, from various points on the lines of Brooks Transportation and Northeastern Transportation Company, to Denver, Colorado, shall be increased by fifteen (15) per cent."

ORDER

THE COMMISSION ORDERS:

That, Item No. 2850, Decision Number 41366, of date October 7th, 1953, should be, and the same hereby is amended nunc pro tunc, as of said 7th day of October 1953, by inserting the words "shall be increased by fifteen (15) per cent", immediately following the words "to Denver, Colorado" appearing in Item No. 2850, third and fourth lines, in said Decision No. 41366, on page²/thereof, so that said Item No. 2850 contained in Decision No. 41366, as amended, shall read as follows:

"Item No. 2850 - Milk and/or cream, fresh, cream, sour or curd, in ten (10) gallon shipping cans from various points on the lines of Brooks Transportation and Northeastern Transportation Company, to Denver, Colorado, shall be increased by fifteen (15) per cent."

That, except as herein amended, said Decision No. 41366, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell

Robert W. Hooten
Ralph C. Hooten
Commissioners

Dated at Denver, Colorado

this 14th day of October, 1953.

hs

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

RE MOTOR VEHICLE OPERATIONS OF)
DAVID M. COLLINS, SILVER PLUME,)
COLORADO.)

PERMIT NO. C-15566

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

David M. Collins

requesting that Permit No. C-15566 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: 1

That Permit No. C-15566, heretofore issued to _____

David M. Collins be,

and the same is hereby, declared cancelled effective September 27, 1953.

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

John H. Winchell
Joseph W. Newell
Ralph C. Gordon Jr.
Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. L. RILEY, GRANBY, COLORADO.)

PERMIT NO. C-20810

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

E. L. Riley

requesting that Permit No. C-20810 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-20810, heretofore issued to _____

E. L. Riley _____ be,

and the same is hereby, declared cancelled effective October 4, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph W. Hensley
Ralph C. Hensley

Commissioners

Dated at Denver, Colorado,

this 19th day of October, 195 3.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JACK V. BOYD, DOING BUSINESS AS)
"JACK V. BOYD CONSTRUCTION CO.,")
1001 SO. LOGAN ST., DENVER 9,)
COLORADO.)
-----)

PERMIT NO. C-27678

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Jack V. Boyd, Cdba "Jack V. Boyd Construction Co."
requesting that Permit No. C-27678 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27678, heretofore issued to _____
Jack V. Boyd, dba "Jack V. Boyd Construction Co." be,
and the same is hereby, declared cancelled effective August 27, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Linschell
Joseph C. H. H. H. H.
Joseph C. H. H. H.

Commissioners

Dated at Denver, Colorado,

this 19th day of October, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
FRANK BRYAN, JR., 1501 SO. MEADOW-)
BROOK, GARLAND, TEXAS.)

PERMIT NO. C-28142

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Frank Bryan, Jr.

requesting that Permit No. C-28142 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: :

That Permit No. C-28142 , heretofore issued to _____

Frank Bryan, Jr. be,

and the same is hereby, declared cancelled effective October 1, 1953.

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

John H. Winchell
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 19th day of October , 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
FRED W. KEISS, 427 WEST 8th,)
LOVELAND, COLORADO.)

PERMIT NO. C-28813

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Fred W. Keiss

requesting that Permit No. C-28813 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: !

That Permit No. C-28813, heretofore issued to _____

Fred W. Keiss be,

and the same is hereby, declared cancelled effective October 12, 1953.

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

John H. Winchell
Joseph C. Hawley
Ralph C. Boston
Commissioners

Dated at Denver, Colorado,

this 19th day of October , 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. J. THOMAS COMPANY, INC., BOX 7006,))
DALLAS 9, TEXAS))
))
))
-----)

PERMIT NO. C-27775

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

W. J. Thomas Company, Inc.

requesting that Permit No. C-27775 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27775, heretofore issued to _____

W. J. Thomas Company, Inc. be,

and the same is hereby, declared cancelled effective October 10, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Linchell
Ralph C. Horton
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 19th day of October, 195 3.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
PHIL DeMARCO, 1922 BERKLEY,)
PUEBLO, COLORADO.)

PERMIT NO. C-29184

October 19, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Phil DeMarco

requesting that Permit No. C-29184 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29184, heretofore issued to

Phil DeMarco be,

and the same is hereby, declared cancelled effective June 10, 1953.

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

John H. Winchell
Ralph C. Harlow
Commissioners

Dated at Denver, Colorado,

this 19th day of October , 1953.

19

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID CURTIS WILHELM, DOING)
BUSINESS AS "WILHELM'S VAN SER-)
VICE," BENTON, ILLINOIS.)

PUC NO. 2280-I

October 19, 1953

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from David Curtis Wilhelm, doing business as "Wilhelm's Van Service," Benton, Illinois, requesting that Certificate of Public Convenience and Necessity No. 2280-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. 2280-I, heretofore issued to David Curtis Wilhelm, doing business as "Wilhelm's Van Service," Benton, Illinois, be, and the same is hereby, declared cancelled effective October 14, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph C. H. H. H.
Ralph C. H. H.
Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION
OF COLORADO PUC TARIFF NO. 5 OF
THE MOUNTAIN STATES TELEPHONE AND
TELEGRAPH COMPANY.

} INVESTIGATION AND SUSPENSION
DOCKET NO. 355

October 16, 1953.

S T A T E M E N T

By the Commission:

On October 15, 1953, Andrew Horan, Colorado Manager of The Mountain States Telephone and Telegraph Company, filed with The Public Utilities Commission of the State of Colorado, a tariff containing rates, tolls, rentals, charges, classification, rules and regulations for intrastate telephone service in the State of Colorado, to become effective fifteen (15) days after the filing thereof with the Commission. Said tariff is officially designated as "The Mountain States Telephone and Telegraph Company Colorado PUC No. 5."

Authority for filing said tariff was granted by Authority No. 13770, of date October 15, 1953.

Tariff No. 5 of The Mountain States Telephone and Telegraph Company proposed to increase the Telephone Company's intrastate gross revenues by \$4,011,040.00, in accordance with the Findings of the Commission in Decision No. 41363, of date October 9, 1953, in Application No. 12292.

In order to protect the interests of the users of The Mountain States Telephone and Telegraph Company's services, the Commission has decided, on its own motion, to suspend said Tariff No. 5 of The Mountain States Telephone and Telegraph Company, and to hold a hearing in regard to the matters in said tariff.

A copy of said Tariff No. 5 is on file with the Commission and

at the offices of said Company, subject to inspection by any interested party.

F I N D I N G S

THE COMMISSION FINDS:

That the effective date of Tariff No. 5 of The Mountain States Telephone and Telegraph Company should be suspended, and an investigation and hearing held in the matter.

O R D E R

THE COMMISSION ORDERS:

That the effective date of the proposed The Mountain States Telephone and Telegraph Company's Colorado PUC Tariff No. 5 should be, and it hereby is, suspended for a period of one hundred twenty (120) days from and after October 15, 1953, or until February 13, 1954, unless otherwise ordered.

That the rates, tolls, rentals, charges, classifications, rules and regulations contained in said tariff are hereby made a subject of investigation by the Commission within said period of suspension.

That the matters contained in said Tariff No. 5 should be, and they are hereby, set for hearing before the Commission, at ten o'clock A. M., October 27, 1953, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

That a copy of this Order be filed with the proposed Tariff No. 5, and copies hereof be forthwith served on The Mountain States Telephone and Telegraph Company and all parties who entered an appearance in Application No. 12292.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Linchell

Robert C. Horton

Robert C. Horton
Commissioners

Dated at Denver, Colorado,
this 16th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
HAROLD YUND, DEL NORTE, COLO-
RADO.

PERMIT NO. C-16199
CASE NO. 66716-INS.

October 19, 1953

S T A T E M E N T

By the Commission:

On October 6, 1953, in Case No. 66716-Ins., the Commission entered its order, revoking Permit No. C-16199 for failure of Respondent to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made.

F I N D I N G S

THE COMMISSION FINDS:

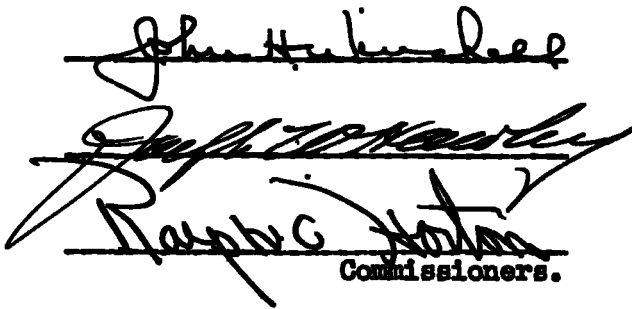
That revocation order entered by the Commission in Case No. 66716-Ins., on October 6, 1953, should be set aside.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-16199 should be, and the same hereby is, restored to active status, as of October 6, 1953, revocation order entered by the Commission on said date in Case No. 66716-Ins., being hereby set aside, vacated, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALEX LOCKHART, BOX 521, CANON)
CITY, COLORADO.)
-----)

PERMIT NO. C-28384
CASE NO. 66721-INS.

October 19, 1953

S T A T E M E N T

By the Commission:

On October 6, 1953, in Case No. 66721-Ins., the Commission entered its order, revoking Permit No. C-28384 for failure of Respondent to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made.

F I N D I N G S

THE COMMISSION FINDS:

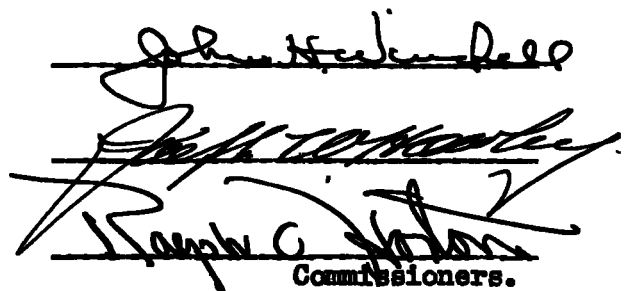
That revocation order entered by the Commission in Case No. 66721-Ins. on October 6, 1953, should be set aside.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-28384 should be, and the same hereby is, restored to active status, as of October 6, 1953, revocation order entered by the Commission on said date in Case No. 66721-Ins. being hereby set aside, vacated, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1953.

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

RE MOTOR VEHICLE OPERATIONS OF)
DEE HARRIS, P. O. BOX 241,)
SAGUACHE, COLORADO.)

PERMIT NO. C-27893

October 23, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Dee Harris

requesting that Permit No. C-27893 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27893, heretofore issued to _____

Dee Harris

be,

and the same is hereby, declared cancelled effective October 16, 1953.

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

John H. Winchel
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 23rd day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TRISTATE WELL SERVICE, INC., BOX)
1218, STERLING, COLORADO.)
)
)
)
-----)

PERMIT NO. C-31008

October 23, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Tristate Well Service, Inc.

requesting that Permit No. C-31008 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31008, heretofore issued to _____

Tristate Well Service, Inc. be,

and the same is hereby, declared cancelled effective October 12, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Ralph C. Norton
Ralph C. Norton
Commissioners

Dated at Denver, Colorado,

this 23rd day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

RICHARD C. TUTTLE, DOING BUSINESS AS)
"TUTTLE TACKLE CO.," 207 "F" STREET,)
SALIDA, COLORADO.)
-----)

PERMIT NO. C-29081

October 23, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Richard C. Tuttle, dba "Tuttle Tackle Co."

requesting that Permit No. C-29081 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29081, heretofore issued to _____

Richard C. Tuttle, dba "Tuttle Tackle Co." be,

and the same is hereby, declared cancelled effective October 16, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Philip C. H. H. H.
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 23rd day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LOUIS HORWITZ, DOING BUSINESS AS)
"CONSOLIDATED FRUIT & PRODUCE CO.,")
1363 PERRY STREET, DENVER 4,)
COLORADO.)
-----)

PERMIT NO. C-28883

October 23, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Louis Horwitz, dba "Consolidated Fruit & Produce Co."

requesting that Permit No. C-28883 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28883, heretofore issued to _____

Louis Horwitz, dba "Consolidated Fruit & Produce Co." be,

and the same is hereby, declared cancelled effective September 26, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hines
Joseph C. Hines
Joseph C. Hines
Commissioners

Dated at Denver, Colorado,

this 23rd day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
O. J. NEUHAUS, DOING BUSINESS AS)
"WRAY FARM EQUIPMENT CO.," WRAY,)
COLORADO.)
_____)

PERMIT NO. C-28928

October 23, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

O. J. Neuhaus, dba "Wray Farm Equipment Co."

requesting that Permit No. C-28928 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28928, heretofore issued to _____

O. J. Neuhaus, dba "Wray Farm Equipment Co." be,

and the same is hereby, declared cancelled effective October 16, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Mitchell
Joseph C. Heston
Joseph C. Heston
Commissioners

Dated at Denver, Colorado,

this 23rd day of October, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
JOE WRAY, PARSHALL, COLORADO.)

PERMIT NO. C-27506

October 23, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Joe Wray

requesting that Permit No. C-27506 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: !

That Permit No. C-27506, heretofore issued to _____

Joe Wray be,

and the same is hereby, declared cancelled effective October 16, 1953.

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

John Heilischell
 Ralph C. Horton
 Commissioners

Dated at Denver, Colorado,

this 23rd day of October , 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INCREASE IN
RATES OF THE LEADVILLE WATER
COMPANY, LEADVILLE, LAKE COUNTY,
COLORADO.

INVESTIGATION AND SUSPENSION
DOCKET NO. 339
SUPPLEMENTAL ORDER

October 21, 1953.

Appearances: Hughes and Dorsey, Esqs.,
Denver, Colorado, by
E. G. Knowles, Esq., Denver,
Colorado, and
A. J. Laing, Leadville, Colo-
rado, for The Leadville
Water Company;
Robert A. Theobald, Esq.,
Breckenridge, Colorado,
for the City of Leadville;
Jean Breitenstein, Esq.,
Denver, Colorado, and
E. E. Evans, Esq., Denver,
Colorado, for protestants;
William T. Secor, Esq.,
Denver, Colorado, for
the Commission.

S T A T E M E N T

By the Commission:

On October 8, 1953, the Commission entered its Decision No. 41351 in the above-styled matter.

On October 16, 1953, "Petition for Rehearing" was filed by City of Leadville and the Leadville Water Users, by their attorneys, Robert A. Theobald, Jean S. Breitenstein, and E. E. Evans.

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

F I N D I N G S

THE COMMISSION FINDS:

That no error was committed in the entry of its said Decision No. 41351; 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 City of Leadville and the Leadville Water Users, by their attorneys, Robert A. Theobald, Jean S. Breitenstein, and E. B. Evans, on October 16, 1953, should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 21st day of October, 1953.

llw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER TRAMWAY CORPORATION FOR)
AN ORDER EXTENDING ITS CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY,)
FOR AN ORDER FIXING TEMPORARY OR)
EMERGENCY FARES, AND FOR AN ORDER)
FIXING A DATE FOR A HEARING FOR THE)
PURPOSE OF RECEIVING EVIDENCE TO)
ENABLE THE COMMISSION TO ASCERTAIN)
THE OPERATING RATIOS AND/OR THE)
FAIR VALUE OF THE APPLICANT'S)
PROPERTY WITHIN THE STATE OF COLO-)
RADO, TO DETERMINE THE FAIR RATE OF)
RETURN THEREON, THE REVENUES TO)
WHICH APPLICANT IS ENTITLED, AND)
FOR SUCH FURTHER FINDINGS AND)
ORDERS AS MAY BE JUST AND PROPER.)

APPLICATION NO. 12415-Extension
SUPPLEMENTAL ORDER

October 21, 1953.

Appearances: Montgomery Dorsey, Esq., Denver,
Colorado,
Allan R. Phipps, Esq., Denver,
Colorado, and
Raymond B. Danks, Esq., Denver,
Colorado, for applicant;
John C. Banks, Esq., Denver,
Colorado,
Charles D. Bronley, Esq., Denver,
Colorado, and
Malcolm D. Crawford, Esq., Denver,
Colorado, for the City and
County of Denver;
William T. Secor, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On June 30, 1953, Decision No. 40823 was entered by the Commission, extending operating rights of The Denver Tramway Corporation under PUC No. 210, to include the right to operate within the boundaries of the City and County of Denver, Colorado, with provisions as therein set forth.

The Commission is now in receipt of a "Motion," filed by applicant herein, requesting that said Order and decision be amended.

2.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 40823 should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 40823, of date June 30, 1953, should be, and the same hereby is, amended, nunc pro tunc, as of said 30th day of June, 1953, by striking therefrom the words:

"excepting therefrom that part of said area in which Julius Bussard, doing business as 'Bussard Taxi and Bus Service,' is authorized to serve by bus service under PUC No. 1450.",

being the final words of the first paragraph of the Order contained in said decision, so that the first paragraph of said Order contained in said Decision No. 40823, as amended, shall read as follows:

"THE COMMISSION ORDERS:

"That Certificate of Public Convenience and Necessity No. 210 of The Denver Tramway Corporation should be, and is hereby, extended to include operations within the area within the boundaries of the City and County of Denver, Colorado."

That, except as herein amended, Decision No. 40823 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Huchel
Joseph C. Huchel
Ralph C. Huchel
Commissioners

Dated at Denver, Colorado,
this 21st day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRANK E. VITERA, CHEYENNE WELLS,)	
COLORADO, FOR AUTHORITY TO TRANSFER)	<u>APPLICATION NO. 12622-Transfer</u>
PUC NOS. 1314 AND 1314-I TO R. N.)	
SHAFFER, CHEYENNE WELLS, COLORADO.)	
-----)	

October 22, 1953

S T A T E M E N T

By the Commission:

By the instant application, Frank E. Vitera, Cheyenne Wells, Colorado, owner and operator of PUC Nos. 1314 and 1314-I, seeks authority to transfer said operating rights to R. N. Shaffer, Cheyenne Wells, Colorado, said PUC Nos. 1314 and 1314-I being the right to conduct:

A general cartage business in the Town of Cheyenne Wells, Colorado, and that part of Cheyenne County lying east of Colorado Highway No. 59, not on schedule; transportation of freight from or to farms located in that part of Cheyenne County lying east of Colorado Highway No. 59 to and from points outside thereof; provided no authority to conduct a freight transportation service in competition with scheduled motor vehicle common carriers, service between points served by scheduled common carriers being limited to bulk farm products, cement and livestock, no authority being granted to move household goods and office fixtures to points in said area from Denver, Pueblo, Trinidad and Greeley; also all service shall originate in that part of Cheyenne County lying east of Colorado Highway No. 59, or be destined to a point therein; transportation of freight between Denver and First View, and points east of a line drawn immediately west of First View; and from point to point in the territory situated in Cheyenne County east of said line, and between points in said easterly portion of Cheyenne County and the portion lying in said county west of said line; transportation of general commodities, except those requiring special equipment other than pole trailers, between points in that part of Cheyenne County lying east of Colorado Highway No. 59, including however, a strip two miles in width along the southern boundary of Kit Carson County and a

strip two miles in width in Cheyenne County west of Colorado Highway No. 59 and north of U. S. Highway No. 40, and between points in said above-described area on the one hand, and points in Colorado on the other hand, in intrastate commerce, and in interstate commerce, between points in Colorado and the Colorado State Boundary Lines, where all highways cross same, subject to the provisions of the Federal Motor Carrier Act of 1935, and any applicable orders of the Interstate Commerce Commission, except the transportation of cement to Kit Carson, Colorado, and Cheyenne Wells, Colorado, which shall be restricted to one customer, only, viz., The Ichenberger Lumber Yard, unless by formal application, and after hearing, the Commission extends the authority to include other customers for cement in Kit Carson, Colorado, and Cheyenne Wells, Colorado.

Inasmuch as the files of the Commission and the application herein show that said operating rights are 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 certificates; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said 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 Frank E. Vitera, Cheyenne Wells, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC Nos. 1314 and 1314-I, with authority as set forth in the preceding Statement, which by reference is made a part of this Order, to

R. N. Shaffer, Cheyenne Wells, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

The tariff of rates, rules and regulations of transferor shall upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of the 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 certificates up to the time of the transfer of said certificates, and the payment by him or transferee of all unpaid ton-mile tax.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

John H. Harkness

Ralph G. Hobbs

Ralph G. Hobbs
Commissioners.

Dated at Denver, Colorado,
this 22nd day of October, 1953.

Original

(Decision No. 41421)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: VARIOUS CHANGES IN RATES,)
RULES AND REGULATIONS IN THE)
MOTOR TRUCK COMMON CARRIERS')
ASSOCIATION, AGENT, LOCAL AND)
JOINT TARIFF NO. 12, COLORADO)
P.U.C. NO. 6, ISSUED BY J. R.)
SMITH, CHIEF OF TARIFF BUREAU,)
DENVER, COLORADO.)

CASE NO. 1585

October 23, 1953

S T A T E M E N T

By the Commission:

The Motor Truck Common Carriers' Association, Agent, filed with the Commission, under the provisions of Rule 18, paragraph C-(1)-(A) schedules stating new individual rates, rules, charges and regulations to become effective with October 28, 1953, as follows:

For and on behalf of Southwestern Transportation Company, Everready Freight Service, Inc., and John O'Connell, publish a rate on grinding balls as follows:

Item No. 1523 - Grinding Balls, Minimum Weight, 30,000 pounds, from Pueblo, Colorado, to Climax, Colorado, *50 cents per 100 pounds. *Rate not subject to the penalty rule, Item No. 970.

For account of the Southwestern Transportation Company, amend Item No. 1680 to show:

One hour's free loading time and one hour's free unloading time will be allowed. All delays (not caused by the carrier or his agent) in excess of the free time will be charged for at a rate of \$5.50 per hour.

For account of Harold M. Swena, doing business as Swena Transfer and Express, add the following note in connection with Items 3900, 3910, 3920 and 3930, Section 3, page 230 of the tariff:

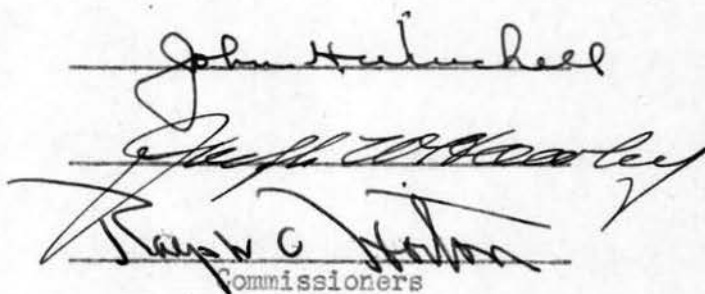
7 - On and after October 28, 1953, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

8 - This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

9 - The order entered in Case No. 1585, on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

10 - Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 23d day of October, 1953.

hs

Original

(Decision No. 41422)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CHANGES IN RATES)
ON LIVESTOCK.)

CASE NO. 1585
SUPPLEMENTAL ORDER

October 26, 1953

S T A T E M E N T

By the Commission:

On October 9, 1953, Decision No. 41374, Application No. 233, it was proposed that the rates for the transportation of livestock, subject to minimum weights of 16,000 and 18,000 pounds, would not apply from, to or between points located in the Mountain Territory via Dewey Bibbey; Leona Blakley and Alice Francis Hoyt, doing business as Blakley and Blakley; Vernon Dotson; Chris Sorenson, doing business as Sorenson Truck Service; Ethel Sorenson, doing business as Sorenson Truck Service; and the Yockey Trucking Company, Inc.

At the time and date set for the hearing, Ralph Yockey, President and General Manager of the Yockey Trucking Company, Inc., was the only one of the applicants to appear and offer testimony in support of the application.

In disposing of the Application, the Commission found that:

"The proposed basis of rates has not been justified. An order should be entered discontinuing the proceeding without prejudice to the establishment by the Yockey Trucking Company, Inc., of rates in conformity with the views expressed herein, on ten (10) days' notice in accordance with the laws and the rules and regulations of the Commission."

Thereafter, the Motor Truck Common Carriers' Association, Agent, for and on behalf of Yockey Trucking Company, Inc., issued October 16, 1953, its 7th revised page 255 and 5th revised page 256, of its tariff No. 12, Colo. P.U.C. No. 6, effective October 29, 1953, added the following in connection with circle one reference shown under the 18,000 pound minimum weight for the Plains, Mountain and Differential Territories:

"Rates subject to a minimum weight of 18,000 pounds will not apply via Yockey Trucking Company, Inc."

FINDINGS

THE COMMISSION FINDS:

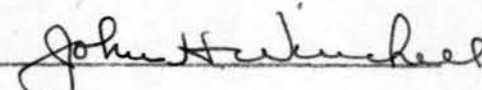
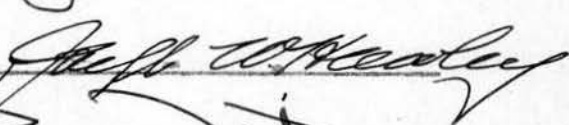
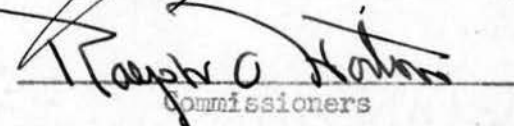
That, the Statement hereinbefore set forth, should be made a part hereof; that the proposed changes referred to should be authorized and an order entered authorizing same.

ORDER

THE COMMISSION ORDERS:

- 1 - That the Statement and Findings be and same are hereby made a part hereof.
- 2 - This order shall become effective forthwith.
- 3 - That the rates, subject to a minimum weight of 18,000 pounds, for the transportation of livestock as published in Section No. 6 of the Motor Truck Common Carriers' Association, Agent, Local and Joint Tariff No. 12, Colo. P.U.C. No. 6, shall not apply via Yockey Trucking Company, Inc., on and after October 29, 1953, on shipments from, to or between points located in Mountain Territory.
- 4 - The order entered in Case No. 1535 on February 6, 1936, as since amended, shall continue in force until the further order of the Commission.
- 5 - Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 26th day of October, 1953.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF)	
COLORADO PUC TARIFF NO. 5 OF THE)	<u>INVESTIGATION AND SUSPENSION</u>
MOUNTAIN STATES TELEPHONE AND)	<u>DOCKET NO. 355</u>
TELEGRAPH COMPANY.)	
-----)	

October 28, 1953

Appearances: Akolt, Campbell, Turnquist and
Shepherd, by John R. Turnquist,
Esq., Denver, Colorado, for The
Mountain States Telephone and
Telegraph Company;
Leonard M. Campbell, Esq., Denver,
Colorado, for the Colorado
Municipal League and the City
and County of Denver, Colorado;
Malcolm D. Crawford, Esq., Denver,
Colorado, and
John C. Banks, Esq., Denver, Colo-
rado, for the City and County
of Denver, Colorado;
William T. Secor, Esq., Denver,
Colorado,
C. L. Flower, Denver, Colorado,
and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 41363 of October 9, 1953, in Application No. 12292, the Commission fixed the fair and reasonable value as of April 30, 1953, of the property of The Mountain States Telephone and Telegraph Company devoted to intrastate service within the State of Colorado as \$74,879,070.00; fixed as a fair rate of return thereon 6.69%; and the sum of \$4,011,040.00 as the increase over and above the total Colorado intrastate operating revenues of said Company for the year ending April 30, 1953, as the increase in revenue to which the Company is entitled to enable it to realize such fair rate of return.

On October 15, 1953, Mr. Andrew Horan, Colorado General Manager of The Mountain States Telephone and Telegraph Company, filed with the Commission a tariff containing rates, tolls, rentals, charges, classifications, rules and regulations for intrastate telephone service in the State of Colorado, to become effective October 30, 1953, showing the proposed distribution of the amount of increased revenues to which the Commission found the Company to be entitled under said Decision No. 41363, supra. Said tariff is officially designated as The Mountain States Telephone and Telegraph Company, Colorado P. U. C. No. 5, and authority for filing said tariff was granted by Authority No. 13,770 of October 15, 1953.

By Decision No. 41408, in the above docket, the effective date of the proposed tariff was suspended and the matters contained in said tariff were set for hearing before the Commission at ten o'clock A. M., October 27, 1953, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and due notice of said hearing was given to all parties in interest.

The hearing was duly held on October 27, 1953, and evidence was heard in behalf of the Company and the opportunity was given by all those who appeared at the hearing to cross-examine the Company witnesses. No evidence was introduced at the hearing in opposition to the new schedules as proposed by Tariff No. 5. At the conclusion of the hearing, the Commission took the matter under advisement.

After a review of all the evidence as adduced at the hearing, the Commission believes that the tariff containing the rates, tolls, rentals, charges, classifications, rules and regulations for intrastate telephone service in the State of Colorado, as proposed in The Mountain States Telephone and Telegraph Company's Tariff No. 5, are just, reasonable, non-discriminatory and non-preferential and should be permitted to become effective.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of The Mountain States Telephone and Telegraph Company and as to the subject matter herein.

That an order should be entered approving the rates proposed in The Mountain States Telephone and Telegraph Company's P. U. C. Tariff No. 5 as just, reasonable, non-discriminatory and non-preferential.

That the suspension of said tariff should be lifted and said proposed rates be allowed to go into effect on October 30, 1953.

O R D E R

THE COMMISSION ORDERS:

That the rates proposed under the tariff officially designated as The Mountain States Telephone and Telegraph Company's Colorado P. U. C. Tariff No. 5, are, and are hereby declared to be just, reasonable, non-discriminatory and non-preferential.

That the suspension of the tariff officially designated as The Mountain States Telephone and Telegraph Company's Colorado P. U. C. Tariff No. 5, be, and it hereby is, lifted and the proposed rates therein be, and are hereby permitted to go into effect as of October 30, 1953.

That Investigation and Suspension Docket No. 355, be, and it hereby is, discontinued.

That this Order become effective as of October 30, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
NICK DI GIACOMO, 2326 FEDERAL
BOULEVARD, DENVER, COLORADO.

PERMIT NO. B-3744

November 3, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3744 be suspended for six months from October 1, 1953.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Nick DiGiacomo, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3744 until April 1, 1954.

That unless said Nick DiGiacomo, Denver, Colorado, 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

John H. Winkler
Joseph C. Horton
Joseph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
H. W. BILLINGS & RAYMOND CHERRY,
DOING BUSINESS AS "BILLINGS AND
CHERRY," BOX 241, SPRINGFIELD,
COLORADO.

PERMIT NO. B-2033

November 3, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-2033 be suspended for six months from October 1, 1953.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That H. W. Billings & Raymond Cherry, doing business as "Billings and Cherry," Springfield, Colorado, be, and they are hereby, authorized to suspend their operations under Permit No. B-2033 until April 1, 1954.

That unless said H. W. Billings & Raymond Cherry, doing business as "Billings and Cherry," Springfield, Colorado, 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

John H. Lincoln
Joseph W. Hawley
Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
H. W. BILLINGS & RAYMOND CHERRY,
DOING BUSINESS AS "BILLINGS AND
CHERRY," BOX 241, SPRINGFIELD,
COLORADO.

PUC NO. 2114-I

November 3, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 2114-I be suspended for six months from October 1, 1953.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That H. W. Billings & Raymond Cherry, doing business as "Billings and Cherry," Springfield, Colorado, be, and they are hereby, authorized to suspend their operations under PUC No. 2114-I until April 1, 1954.

That unless said H. W. Billings & Raymond Cherry, doing business as "Billings and Cherry," Springfield, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Philip W. Fitzgerald
Raymond C. Horton
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF }
MIKE MORRIS, 1731 GROVE STREET, }
DENVER, COLORADO. }

PUC NO. 2274-I

November 3, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his certificate No. 2274-I be suspended for six months from October 1, 1953.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

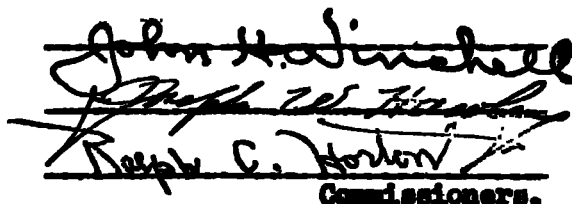
ORDER

THE COMMISSION ORDERS:

That Mike Morris, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 2274-I until April 1, 1954.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID CURTIS WILHELM, EDNA L.)
WILHELM, EXECUTRIX, DOING BUSI-)
NESS AS "WILHELM'S VAN SERVICE,")
BENTON, ILLINOIS.)
-----)

PUC NO. 2280-I

October 30, 1953

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for Wilhelm's
Van Service.

S T A T E M E N T

By the Commission:

On October 19, 1953, by Decision No. 41407, PUC No. 2280-I was cancelled and revoked by this Commission, effective October 14, 1953.

Said certificate-holder had addressed a communication to the Commission, wherein it was stated that final report was being tendered to the Commission for hauling done under this certificate.

This letter was interpreted by the Commission to mean that operations under PUC No. 2280-I would no longer be conducted in Colorado; therefore, Order of revocation was issued.

It now appears that certificate-holder intended to state that said carrier would not be making any more trips into the State of Colorado during the Year 1953.

Attorney for Wilhelm's Van Service has requested that operating rights under PUC No. 2280-I be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

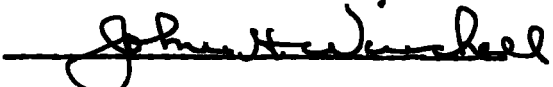
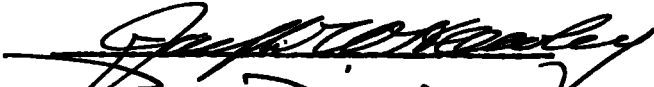
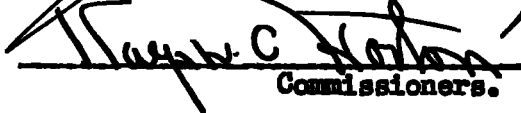
That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 2280-I, formerly issued to David Curtis Wilhelm, Edna L. Wilhelm, Executrix, doing business as "Wilhelm's Van Service," Benton, Illinois, should be, and the same hereby is, reinstated, as of October 14, 1953, revocation order (Decision No. 41407, of date October 19, 1953), being hereby set aside, vacated, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FRED W. POHL, WATHENA, KANSAS, FOR
AUTHORITY TO TRANSFER INTERSTATE
OPERATING RIGHTS TO INDUSTRIAL CITY
LINES, INC., 814 NORTH THIRD STREET,
ST. JOSEPH, MISSOURI.

PERMIT NO. B-4303-I-Transfer

October 30, 1953

S T A T E M E N T

By the Commission:

Heretofore, Fred W. Pohl, Wathena, Kansas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle for hire, in interstate commerce, and Permit No. B-4303-I issued to him.

Said permit-holder now seeks authority to transfer said operating rights to Industrial City Lines, Inc., St. Joseph, Missouri.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

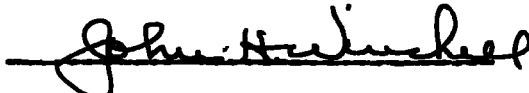


THE COMMISSION ORDERS:

That Fred W. Pohl, Wathena, Kansas, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to Permit No. B-4303-I to Industrial City Lines, Inc., St. Joseph, Missouri, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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 30th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MILES M. VONDRA AND MARY E. VONDRA,
CO-PARTNERS, DOING BUSINESS AS
"PIONEER TRUCKING COMPANY," 2655
NORTH BROADWAY, BOULDER, COLORADO,
FOR AUTHORITY TO TRANSFER PUC NO.
616 TO DONALD L. LAURITSEN, DOING
BUSINESS AS "PIONEER TRUCKING COM-
PANY," 2655 NORTH BROADWAY, BOULDER,
COLORADO.

APPLICATION NO. 12629-Transfer

October 30, 1953

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

S T A T E M E N T

By the Commission:

Miles M. Vondra and Mary E. Vondra, co-partners, doing business as "Pioneer Trucking Company," Boulder, Colorado, owners and operators of PUC No. 616, by the instant application, seek authority to transfer said operating rights to Donald L. Lauritsen, doing business as "Pioneer Trucking Company," Boulder, Colorado, said PUC No. 616 being the rights to transport:

milk and cream, with return of empty cans, to Boulder, Lafayette, and Longmont, from the following territory:

beginning at a point in the center of the west line of Section 12, Township 3-North, Range 71-West; thence due east to Highway U. S. 87; thence south along said highway to the north line of Section 34, Township 2-North, Range 69-West; thence east $2\frac{1}{2}$ miles; thence south 1 mile; thence east 1 mile to the northwest corner of Section 5, Township 1-North, Range 68-West; thence south 2 miles; thence southwesterly to the southwest corner of Section 18; Township 1-North, Range 68-West; thence south 3 miles; thence west to U. S. Highway No. 87; thence south along said highway to the south Boulder County Line; thence east to Brookfield; thence south along State Highway No. 121 to the northwest corner of the SW $\frac{1}{4}$ of Section 26,

Township 3-South, Range 69-West; thence west to the center of the west line of Section 30, Township 3-South, Range 69-West; thence south one-half mile; thence east to State Highway No. 121; thence south 2 miles; thence west to the southwest corner of Section 2, Township 4-South, Range 70-West; thence north one-half mile; thence west one-half mile; thence north one and one-half miles; thence east one-half mile; thence north one mile; thence east one mile; thence north one and one-half miles; thence east two miles; thence north one-half mile; thence west one-half mile; thence north six miles; thence west one mile; thence north one mile; thence west one mile; thence north one mile to the south Boulder County Line; thence west along said line to the southwest corner of Section 31, Township 1-South, Range 70-West; thence north one-half mile; thence west one and one-half miles; thence north to the center of the west line of Section 24, Township 1-South, Range 71-West; thence east one mile; thence north through Boulder and along State Highway No. 7 to the Town of Lyons; thence in a northwesterly direction to place of beginning, including service from such places or farms as abut upon or are adjacent to the highways abounding said described area or may be reached therefrom by private roads; excluding service in the $\frac{1}{2}$ of $\frac{1}{2}$ of Section 12, Township 1-North, Range 69-West, and in Section 6, Township 2-North, Range 68-West;

milk and cream and the return of empty cans from the following-described territory to Boulder:

within a fifteen-mile radius of Berthoud, Colorado;

transportation, on schedule, of bottled milk and dairy products from Boulder to Longmont, to Loveland, Berthoud, Johnstown, and Meade, Colorado, with return of empty containers.

Inasmuch as the files of the Commission and the application herein show that said Certificate is in good standing; that ten-mile tax deposit of transferors 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.

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 Miles M. Vondra and Mary E. Vondra, co-partners, doing business as "Pioneer Trucking Company," Boulder, Colorado, should be, and they are hereby, authorized to transfer all their right, title, and interest in and to PUC No. 616 — with authority as set forth in the preceding Statement, which by reference is made a part hereof — to Donald L. Lauritsen, doing business as "Pioneer Trucking Company," Boulder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

The tariff of rates, rules and regulations of transferors shall upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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

That ten-mile tax deposit of transferors 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

John H. Hinkle
Paul W. Hinkle
Reynold C. Hinkle
Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE MOTOR VEHICLE OPERATIONS OF
RALPH SWIFT, DOING BUSINESS AS
"SWIFT TRUCK LINE," WALDEN,
COLORADO.

} PUC NOS. 1172, 1172-I
}

October 30, 1953

S T A T E M E N T

By the Commission:

Ralph Swift, doing business as "Swift Truck Line," Walden, Colorado, is the owner and operator of PUC No. 1172 and PUC No. 1172-I. Said operating rights, in part, authorize transportation on schedule of:

freight, generally, between the City of Denver, Colorado, on the one hand, and the Town of Walden, Colorado, on the other hand, via U. S. Highway No. 40 and State Highway No. 14, with service to intermediate points along said State Highway No. 14, only, including service to Hebron and Coalment (off-highway points),

said authority having been granted by Decision No. 33094, as amended by Decision No. 33165, as an extension of original operating rights granted under PUC No. 1172 and PUC No. 1172-I.

The Commission is now in receipt of a communication from Ralph Swift, doing business as "Swift Truck Line," as follows:

"Please suspend authority under Decision No. 33094, as amended by Decision No. 33165, for a period of six months as of Nov. 1, 1953."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

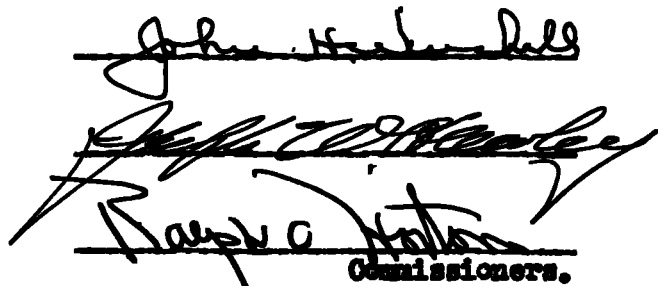
THE COMMISSION ORDERS:

That Ralph Swift, doing business as "Swift Truck Line," Walden, Colorado, should be, and he hereby is, allowed to suspend operations under authority granted by Decision No. 33094, as amended by Decision No. 33165,

being a portion of operating rights known as "PUC No. 1172 and PUC No. 1172-I," for a period of six months from November 1, 1953, or until May 1, 1954.

That, unless said certificate-holder shall, prior to expiration of said suspension period, reinstate said operating rights by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said portion of PUC No. 1172 and PUC No. 1172-I, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
R. VIRGIL DONOVAN, WRAY, COLORADO, }
FOR AUTHORITY TO TRANSFER PERMIT }
NO. B-1576 TO WILLIAM R. MORROW, }
ECKLEY, COLORADO. }

APPLICATION NO. 12628-FT-Transfer

October 30, 1953

STATEMENT

By the Commission:

By the instant application, R. Virgil Donovan, Wray, Colorado, owner and operator of Permit No. B-1576, seeks authority to transfer said permit to William R. Morrow, Eckley, Colorado, Permit No. B-1576 being the right to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

farm products, including livestock, and farm supplies, specifically including coal, between points within the area extending twenty miles north, twelve miles south, twelve miles west of Wray, and to the State line on the east; livestock and wheat from and to points in said area, to and from Halyoke, Colorado; farm products, including livestock, from and to points in the area heretofore described, to and from points in the State of 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 ten-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 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 the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That R. Virgil Donovan, Wray, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1576 -- with authority as set forth in the Statement preceding, which, by reference, is made a part hereof -- to William R. Murrow, Eckley, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. H. Bell
Joseph T. Keedy
Raymond C. Hooton
Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BENJAMIN E. SWEET, TRUSTEE, AND)
HOLLIS E. ROACH AND DUANE D. ZABKA,)
CO-PARTNERS, DOING BUSINESS AS)
"EVERGREEN FREIGHT LINE," EVERGREEN,)
COLORADO, FOR AUTHORITY TO TRANSFER)
LEASE OF PUC NO. 287 TO C. R. BRYANT,)
EVERGREEN, COLORADO.)

APPLICATION NO. 12610-Transfer of Lease

October 30, 1953

Appearances: Benjamin E. Sweet, Esq., Denver,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 39565, of date October 27, 1952, Hollis E. Roach and Duane D. Zabka, co-partners, doing business as "Evergreen Freight Line," Evergreen, Colorado, acquired lease and option to purchase PUC No. 287.

By the instant application, said Hollis E. Roach and Duane D. Zabka, co-partners, doing business as "Evergreen Freight Line," Evergreen, Colorado, seek authority to transfer their lease and option to purchase said PUC No. 287 to C. R. Bryant, Evergreen, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that ten-mile tax deposit is to be transferred to account of the new lessee; that said C. R. Bryant is pecuniarily and otherwise qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of the lease and option referred to, 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 transfer of the lease and option of PUC No. 287 from Hollis E. Roach and Duane D. Zabka, co-partners, doing business as "Evergreen Freight Line," Evergreen, Colorado, to C. R. Bryant, Evergreen, Colorado, should be approved.

ORDER

THE COMMISSION ORDERS:

That Hollis E. Roach and Duane D. Zabka, co-partners, doing business as "Evergreen Freight Line," Evergreen, Colorado, should be, and they are hereby, authorized to transfer all their right, title, and interest in and to said lease and option to purchase PUC No. 287 to C. R. Bryant, Evergreen, Colorado, subject to payment of outstanding indebtedness against said operation, whether secured or unsecured.

That authority under said PUC No. 287 is as follows:

Transportation of freight and express, Denver to Morrison, Evergreen, and Starbuck, Colorado; freight, express, and all commodities, except milk, out-bound from farms (other than milk as may be delivered for transportation to this authority) within the community of Evergreen or at any point on State Highway No. 74 between Evergreen and Idledale; (a) between Denver and Morrison, and all intermediate points on U. S. Highway No. 285, and from and to points within one-half mile of said U. S. Highway No. 285 as it extends from Denver to Morrison; (b) between Mt. Morrison and Evergreen, and all intermediate points on State Highway No. 74, and from and to points within one-half mile of said Highway No. 74 from Mt. Morrison to Idledale, and within one mile of said Highway No. 74 as it extends from Idledale to Evergreen, including the Evergreen Community within one mile radius of junction of Colorado Highways Nos. 73 and 74 at Evergreen; (c) between Morrison and Brook Forest on Cub Creek and all intermediate points; (d) points on Colorado Highway No. 98, extending from Evergreen to Bendemeer; (e) points on the highways extending from Evergreen to Brook Forest a portion thereof being State Highway No. 73 and a portion being Cub Creek Road; (f) points on the road from Evergreen up Little Cub Creek; (g) between Evergreen and Marshdale and intermediate points on State Highway No. 73; also, transportation of lumber and cattle over said highway to and from ranch of George Berrian, located in Section 35, Township 5-South, Range 71-West; and machinery and bottles to and from the Wilson Farm Dairy, situated on the North Turkey Creek Road; (h)

transportation of freight, express, and all commodities, including milk, to, from, and between points in the territory described as: commencing at the center of Section 22, Township 4-South, Range 71-West; thence south 5 miles to the center of Section 15, Township 5-South, Range 71-West; thence in a southwesterly direction to the southeast corner of Section 36, Township 5-South, Range 72-West; thence west six miles to the southwest corner of Section 31, Township 5-South, Range 72-West; thence north eight and one-half miles to the northwest quarter corner of Section 19, Township 4-South, Range 72-West; thence nine and one-half miles east to the point of beginning; freight and express between Denver, Starbuck, and Evergreen and all intermediate points between Starbuck and Evergreen, but not to any intermediate points beyond Denver and Starbuck; freight from Evergreen to Brook Forest Inn and the territory along Cub Creek, and to Evans Ranch and the territory along Bear Creek; general commodities to and from Denver, Colorado, from and to points between rail-head at the foot of Mt. Vernon Canyon and Bergen Park, and all intermediate points, including said rail-head and Bergen Park.

That said transfer of lease and option to purchase shall become effective only if and when, but not before, said present lessors and said C. R. Bryant, in writing, have advised the Commission that said transfer has been formally effected, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms and conditions of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to transfer the lease and option to purchase, without further order on the part of the Commission.

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

The right of said C. R. Bryant to operate under this Order shall depend upon the prior filing by the present lessors of delinquent reports, if any, covering operations under said certificate up to the time of said transfer, and payment by them or lessee of all unpaid ton-mile tax.

That ton-mile tax deposit covering operations under said PUC No. 287 shall be transferred and credited to account of said C. R. Bryant, as lessee.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lunsford
Joseph W. Kealey
Ralph C. Holman
Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DEE HARRIS, BOX 355, SAGUACHE,) PERMIT NO. C-27893
COLORADO.)
-----)

October 30, 1953

S T A T E M E N T

By the Commission:

On October 23, 1953, Decision No. 41411 was entered by the Commission, cancelling Permit No. C-27893, effective October 16, 1953, in accordance with a letter received from Dee Harris, owner and operator of said permit.

It now appears that Dee Harris intended to have leases being operated under said permit cancelled, rather than the operating rights known as "Permit No. C-27893."

Mr. Harris now asks that said Permit No. C-27893 be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

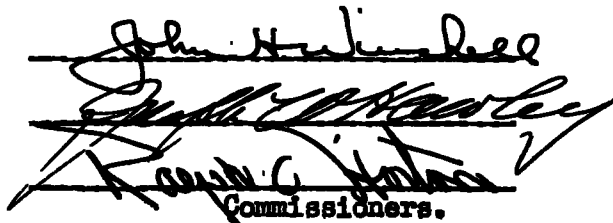
That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-27893 should be, and the same hereby is, reinstated, as of October 16, 1953, revocation order entered by the Commission on October 23, 1953 (Decision No. 41411), being hereby set aside, vacated, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
GEORGE WRIGHT, AND GEORGE WRIGHT,
DOING BUSINESS AS "WRIGHT MOTOR
LINES," ROCKY FORD, COLORADO.

CASE NO. 5054

RE MOTOR VEHICLE OPERATIONS OF
GEORGE WRIGHT, DOING BUSINESS
AS "WRIGHT MOTOR LINES," ROCKY
FORD, COLORADO.

PUC NO. 960, PUC NO. 960-I
PERMIT NO. A-455

October 30, 1953.

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for Respondent;
William T. Secor, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

George Wright, and George Wright, doing business as "Wright Motor Lines," Rocky Ford, Colorado, is the owner of PUC Nos. 960 and 960-I, authorizing operation as a common carrier by motor vehicle, with authority as follows:

Conduct of a transfer, moving and general cartage business within the City of Manzanola and in the Counties of Otero, Pueblo, Las Animas, Crowley, Bent, Kiowa, Prowers, and Baca, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions following: For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, he shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers. He shall not operate on schedule between any points. He shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed in any other town or city than Manzanola for the purpose of developing business.

Subsequently, he was authorized to change the base of his operations under PUC No. 960 from Manzanola to Rocky Ford, Colorado.

Said George Wright, and George Wright, doing business as "Wright Motor Lines," Rocky Ford, Colorado, is also the owner of Private Carrier Permit No. A-455, authorizing the transportation of:

freight between Manzanola, Rocky Ford, and Denver and intermediate points, and between Manzanola and the Colorado-Kansas State Line, and between all intermediate points, via U. S. Highway No. 50.

Under date of April 4, 1953, Louis J. Carter, Supervisor of the Complaint and Investigation Division of the Commission, submitted a report to the Commission on the operations under said certificates and permit, and by Decision No. 40333, of date April 24, 1953, the Commission, on its own motion, ordered an investigation of such operations, and required the Respondent to show cause, on or before the 5th day of May, 1953, why an Order should not be entered, revoking said certificates and permit, on account of various and sundry violations of his authority under said certificates and permit, and of the Rules and Regulations of this Commission, as particularly set forth in said decision.

Order to Satisfy or Answer was served upon Respondent, who, on April 28, 1953, filed an Answer, denying that he has violated certain of the Rules and Regulations Governing Common Carriers by Motor Vehicle, as charged, and admitting violations of Rule 18 of the Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire, effective June 15, 1950.

Hearing was set at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, May 5, 1953, at ten o'clock A. M., at which time and place, after due notice to all parties in interest, the case was heard and taken under advisement.

The testimony of Neil G. Grant, Investigator for the Commission, and William Brayden, Rate Expert for the Commission, supported by exhibits identified by them and received in evidence, was to the following effect relative to the respective charges:

1. It is alleged that Respondent violated the authority granted by PUC No. 960 and PUC No. 960-I by employing agents in towns and cities other than Rocky Ford, Colorado.

PUC No. 960 provides that applicant shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed in any other town or city than Rocky Ford for the purpose of developing business. No further authority has been granted.

The evidence shows that Respondent, in addition to maintaining an office at Rocky Ford, Colorado, had available equipment with drivers, in the La Junta area -- particularly at the Winter Livestock Commission Company's Sales Yard, located approximately one mile east of La Junta -- for the purpose of developing business.

Exhibits 3 and 6 substantiate this evidence as the shipper in each instance contacted the driver for Wright Motor Lines at La Junta, and made the necessary arrangements with him for the movement of livestock both to and from the sales yard near La Junta, Colorado.

2. It is alleged that Respondent has violated Rule No. 14 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, effective January 1, 1951, by failing to file leases of equipment, and by filing leases of equipment which did not show, in effect, the true agreement of lease between himself and the lessors of the equipment.

Said Rule No. 14 reads as follows:

"Unless the Commission finds after a hearing that the public interest otherwise requires, no common carrier shall, as lessee, lease or rent equipment to be used under his certificate except in accordance with these rules.

"(a) No lease of equipment shall be executed for any period less than six (6) months.

"(b) Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or employing of drivers, with compensation on a percentage basis, dependent on gross receipts per trip, or for any period of time, is prohibited. Leases of equipment shall be in writing, and a duplicate original of such lease with the actual signatures of lessor and lessee thereon, shall be filed with the Commission. The Commission shall at all times have the right to examine all leases of equipment, and approve or disapprove the same.

"(c) No common carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof to any person, firm, or corporation not a carrier by motor vehicle for hire."

The evidence is to the effect that the following equipment leased to Wright Motor Lines, showing the date of the lease, name of lessor of such equipment, period of time specified in the lease, and consideration to be paid, as follows:

SECTION NO. 1

<u>Date of Lease</u>	<u>Name of Party Leasing Equipment</u>	<u>Equipment</u>	<u>Period of Lease</u>	<u>Monthly Lease Payments</u>
Sept. 20, 1951	Oda Spencer Pueblo, Colorado	1951 International Tractor 1951 Fruehauf Trailer	3 years or until cancelled	\$ 25.00
Sept. 25, 1951	Claud Silvers Rocky Ford, Colo.	1952 International Tractor	Not shown	Not shown.
Nov. 14, 1951	A. F. Hutchins Lamar, Colorado	1949 White Tractor 1949 Trailmobile Trailer	2 years	25.00
Feb. 15, 1952	Albert Mattaroni Pueblo, Colorado	1950 International Tractor 1948 Fruehauf Trailer	2 years	50.00
March 25, 1952	Harve L. Faurot	1949 White Tractor 1940 Fruehauf Trailer	2 years or until cancelled	25.00
April 3, 1952	W. D. Huddleston	1948 Ford Tractor 1946 Hobbs Trailer	1 year	25.00
April 3, 1952	Jack Vinyard La Junta, Colorado	1948 International Tractor 1937 Hobbs Trailer	1 year	25.00
April 4, 1952	W. H. Wilder La Junta, Colorado	1950 Chevrolet Truck	1 year	25.00
April 12, 1952	Robert Garoutte Pueblo, Colorado	1949 Fruehauf Trailer 1951 International Tractor 1947 Trailmobile Trailer 1948 International Tractor	3 years	50.00
July 15, 1952	Harland Schultz Granada, Colorado	1949 International Tractor 1948 Trailmobile Trailer	3 years	50.00
Aug. 28, 1952	W. D. Huddleston La Junta, Colorado	1941 White Tractor 1946 Hobbs Trailer	1 year	25.00
Sept. 10, 1952	R. L. Schreckhise Pueblo, Colorado	1948 International Tractor 1951 Fruehauf Trailer	3 years	100.00
Sept. 29, 1952	Claud Silvers Rocky Ford, Colorado	1952 International Tractor	3 years or until cancelled	25.00
Sept. 29, 1952	Huber & Whittaker La Junta, Colorado	1951 G.M.C. Tractor 1952 Fruehauf Trailer	Do.	100.00
Oct. 7, 1952	J. D. Stone & Sons	1947 White Tractor 1948 Wilson Trailer	Continuous or until cancelled	100.00

Date of Lease	Name of Party Leasing Equipment	Equipment	Period of Lease	Monthly Lease Payments
Nov. 1, 1952	A. J. Carpenter Las Animas, Colorado	1952 Trailmobile Trailer	5 years	\$ 50.00
Nov. 1, 1952	Huber & Whittaker Sterling, Colorado	1951 G.M.C. Tractor 1952 Fruehauf Trailer 1952 Kenworth Tractor 1949 Trailmobile Trailer 1952 Kenworth Tractor 1952 Trailmobile Trailer	Previously reported under date of 9-29-52 5 years	150.00
Nov. 24, 1952	Warren & Roberts La Junta, Colorado	1951 International Tractor 1950 Fruehauf Trailer		
Nov. 24, 1952	Roberts & Newlin La Junta, Colorado	1952 G.M.C. Tractor 1949 Fruehauf Trailer	Continuous or until cancelled	25.00
Nov. 24, 1952	Roberts & Newlin La Junta, Colorado	1952 G.M.C. Tractor 1949 Fruehauf Trailer	Do.	25.00
Nov. 29, 1952	Earl Geyer Lamar, Colorado	1952 International Tractor 1950 Fruehauf Trailer 1950 International Tractor 1950 Fruehauf Trailer	Until cancelled	50.00

Exhibit No. 2 reflects payments made during the period May 22, 1952, to and including January 31, 1953, as follows, which amounts were charged to "Purchased Transportation:"

SECTION NO. 2

Date	Check No.	Amount	Total Amount Paid Each Month	Purchased Transpor- tation
May 22, 1952	2406	\$ 68.52	\$ 68.52	\$ 68.52
June 2, 1952	2488	591.11		591.11
June 19, 1952	2615	372.90		372.90
June 26, 1952	2677	202.59	1,166.60	202.59
July 10, 1952	2827	171.85		171.85
July 15, 1952	2886	69.25	241.10	69.25
Aug. 7, 1952	3076	350.51		350.51
Aug. 28, 1952	3248	511.29	861.80	511.29
Sept. 8, 1952	3343	279.11		279.11
Sept. 11, 1952	3423	195.79		195.79
Sept. 22, 1952	3501	263.20		263.20
Sept. 26, 1952	3568	192.98	931.08	192.98
Oct. 24, 1952	3809	388.99	388.99	388.99
Nov. 3, 1952	3942	335.63		335.63
Nov. 19, 1952	4106	361.08		361.08
Nov. 27, 1952	4161	478.59	1,175.30	478.59
Dec. 12, 1952	4344	259.41		259.41
Dec. 22, 1952	4433	25.24	284.65	25.24
	18 Checks	\$5,118.04	\$5,118.04	\$5,118.04

W. H. WILDER:

May 22, 1952	2404	\$ 315.68	\$ 315.68	\$ 315.68
June 19, 1952	2616	508.80	508.80	508.80
July 19, 1952	2901	381.74	381.74	381.74
Aug. 4, 1952	3052	603.69		603.69
Aug. 25, 1952	3232	328.81	932.50	328.81
Sept. 8, 1952	3347	395.25	395.25	395.25
Oct. 11, 1952	3720	337.45	337.45	337.45
Nov. 1, 1952	3913	495.07		495.07
Nov. 7, 1952	4096	425.40	920.47	425.40
Dec. 8, 1952	4276	577.22		577.22
Dec. 22, 1952	4437	252.96	830.18	252.96
	11 checks	\$4,622.07	\$4,622.07	\$4,622.07

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>	<u>Total Amount Paid Each Month</u>	<u>Purchased Transportation</u>
<u>ROBERT ROBERTS:</u>				
Dec. 19, 1952	4404	\$ 212.10		\$ 212.10
Dec. 11, 1952	4335	572.51	\$ 784.61	572.51
	2 checks	\$ 784.61	\$ 784.61	\$ 784.61
<u>DICK ROBERTS:</u>				
Dec. 11, 1952	4386	\$ 434.83		\$ 434.83
Dec. 24, 1952	4450	216.18	\$ 651.01	216.18
	2 checks	\$ 651.01	\$ 651.01	\$ 651.01
<u>JACK VINYARD:</u>				
Jan. 5, 1953	40	\$ 80.69		\$ 80.69
Jan. 16, 1953	187	215.02		215.02
Jan. 22, 1953	249	88.22	\$ 383.93	88.22
	3 checks	\$ 383.93	\$ 383.93	\$ 383.93
<u>W. H. WILDER:</u>				
Jan. 16, 1953	188	\$ 394.94	\$ 394.94	\$ 394.94
	1 check	\$ 394.94	\$ 394.94	\$ 394.94
<u>ROBERT ROBERTS:</u>				
Jan. 3, 1953	68	\$ 188.25		\$ 188.25
Jan. 12, 1953	133	252.78		252.78
Jan. 19, 1953	224	439.12		439.12
Jan. 29, 1953	307	662.19	\$1,542.34	662.19
	4 checks	\$1,542.34	\$1,542.34	\$1,542.34
<u>DICK ROBERTS:</u>				
Jan. 8, 1953	98	\$ 333.90		\$ 333.90
Jan. 12, 1953	132	393.67		393.67
Jan. 19, 1953	225	144.21		144.21
Jan. 22, 1953	252	365.27		365.27
Jan. 29, 1953	306	408.62	\$1,645.67	408.62
	5 checks	\$1,645.67	\$1,645.67	\$1,645.67
<u>HAROLD WARREN:</u>				
Jan. 12, 1953	238	\$ 165.97	\$ 165.97	\$ 165.97
	1 check	\$ 165.97	\$ 165.97	\$ 165.97

In addition to the payments shown above, these same individuals were paid on January 31, 1953, \$150.00 salary, less deductions for Social Security Tax, and Withholding Tax, as follows:

<u>Name</u>	<u>Check No.</u>	<u>Amount</u>	<u>Social Security Tax</u>	<u>With- holding Tax</u>	<u>Salary</u>
Dick Roberts	351	\$147.00	\$ 3.00	\$ -	\$150.00
Robert Roberts	356	139.20	3.00	7.80	150.00
Jack Vinyard	355	128.10	3.00	18.90	150.00
Harold Warren	354	129.20	3.00	7.80	150.00
W. H. Wilder	482	145.50	4.50	-	150.00

From the information shown above, it will be noted that the Wright Motor Lines were executing leases with certain individuals for equipment, without complying with the provisions of Rule No. 14, wherein the Commission

has definitely stated that no equipment shall be leased for a period of less than six (6) months. Further, as indicated under the column designated "Total Amount Paid Each Month" in above Section No. 2, the lessor has received remunerations far in excess of the amount stipulated on the lease agreement found under the column designated "Monthly Lease Payments" in above Section No. 1, contrary to the provisions of Rule No. 14.

The carrier also violated the provisions of Rule No. 14 (c), in that after leasing this equipment, he permitted others to operate the same, thereby transferring the control to parties not carriers by motor vehicle for hire. An example of this violation was the evidence and testimony submitted by Neil Grant, Public Utilities Commission Investigator, who introduced Exhibits Nos. 3 and 6, which indicated that W. H. Wilder, a lessor of equipment to the Wright Motor Lines, actually contacted and solicited a shipper, Harry P. Jones, of Cheraw, Colorado, made the necessary arrangements for the movement of the stock, and hauled the stock from Mr. Jones' ranch to the Winter Livestock Commission Company's Sales Ring, near La Junta, Colorado, contrary to the provisions of Rule No. 14.

3. It is alleged that the Respondent has violated Rule No. 16 of the above-cited Rules and Regulations, by permitting or authorizing other persons to operate under said PUC No. 960 and PUC No. 960-I.

Said Rule No. 16 reads as follows:

"No common carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these rules, under his or its certificate, without first having obtained the consent of the Commission in writing. Any common carrier permitting any person, firm, or corporation to operate vehicles under his or its permit, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user."

The evidence is to the effect that from the data shown in connection with the violation of Rule No. 14, payments were made to Messrs. Vinyard, Wilder, Roberts, and others, and that the Wright Motor Lines violated Rule No. 16 by remitting to them all the revenue earned, except for a percentage retained by Mr. Wright for the use of the certificate,

the road tax, and insurance. An example is the notation on Waybill No. 0724, showing that a Mr. Elderman paid \$53.40 of the total freight charge; George Phillips paid \$21.36, and Mr. Hugh Ford paid \$10.60, a total of \$85.36, including the transportation tax. This particular shipment was handled by Jack Vinyard, and the notation indicates he was paid as follows:

"Paid Jack thus --	\$53.40
less insurance, \$6.25	
less tax 2.31	8.56
	<u>\$44.84"</u>

Further evidence that not all the business was handled through the Wright Motor Lines Office at Rocky Ford, Colorado, is shown by Exhibit No. 7. The waybills were issued in numerical order; however, they were made to cover business handled first in September, then October, then September, and then back to October. Had the orders been placed through the office at Rocky Ford, the bills would have been in numerical order, and these should have reflected the day and month, likewise, in consecutive order.

4. It is alleged that the Respondent has violated Rule No. 34 of the above-cited Rules and Regulations, by charging, demanding, and receiving greater or less or different compensation for the transportation of commodities and shipments than the rates, charges, and classifications prescribed by the Commission, and by charging, demanding, and receiving greater or less or different compensation for services rendered than provided for in the rates and charges applicable to such transportation service, as specified in its schedule of rates on file with this Commission.

Said Rule No. 34 reads as follows:

"(a) No motor vehicle carrier shall charge, demand, collect or receive a greater, or less, or different compensation for the transportation of any commodity or shipment than the rates, charges, classifications, exceptions, rules and regulations prescribed by the Commission for the transportation of any such commodity or shipment, which said rates, charges, classifications, exceptions, rules and regulations shall be published in the manner and form prescribed by law and the orders of the Commission.

"(b) No motor vehicle carrier shall charge, demand, collect or receive a greater, or

less, or different compensation for any service rendered, or to be rendered, than the rates and charges applicable to such transportation service as specified in its schedules on file and in effect at the time, nor shall any such motor vehicle carrier refund or remit, directly or indirectly in any manner or by any device, any portion of the rates 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, 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 motor vehicle carrier.

"(c) No motor vehicle carrier shall, directly or indirectly, issue, give, tender or honor any free ticket or free pass for passengers between points within the State of Colorado, except as provided by law.

"(d) No motor vehicle carrier in sightseeing operations shall give free transportation service from a railroad, bus, or airline depot to a hotel, rooming house, or private residence, or vice versa, when offered in connection with a sightseeing trip or trips; provided, however, that the application of this rule shall not apply to sightseeing operators in the Colorado Springs area if said operators shall, in their tariffs, make provision for and set forth any and all free transportation service which they desire to render from railroad, bus or air line depots to hotels, rooming houses or private residences, or vice versa, when offered in connection with sightseeing trip or trips."

Exhibit No. 7 shows undercharges in the amount of \$1,664.93, and overcharges totalling \$114.54. These figures do not include twenty waybills, from which, for various reasons, such as the carrier's neglect to show the point of origin or destination of a shipment, or the distance to or from the nearest town to the point of origin or destination, or for the reason the carrier has combined shipments without showing the individual weights, we are unable to properly compute the actual charges that should have applied. Also, there were approximately 265 waybills not accounted for, which could have increased either or both of the above figures materially.

5. It is alleged that Respondent has violated Rule No. 5 of the Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 15, 1950, by extending, enlarging, changing, altering, and varying the

territory, route, or routes, or the service authorized under Private Carrier Permit No. A-455.

Said Rule No. 5 reads as follows:

"(a) No private carrier by motor vehicle shall extend, or in any manner enlarge, change, alter, or vary the territory, route or routes, or the service authorized by his permit, or serve any points or transport any commodities not included therein, unless or until such private carrier has made application to the Commission upon forms to be provided by the Commission and the Commission has authorized the same.

"(b) No private carrier by motor vehicle shall extend the route, territory, or privileges authorized in his or its permit by transporting or accepting for transportation any shipment which is to be delivered to another carrier or carriers for transportation to a point not authorized to be served by his or its permit.

"(c) No private carrier by motor vehicle shall extend or enlarge the route, territory, or privileges authorized in his or its permit by transporting or accepting for transportation any shipment destined to or originating at any point intermediate to the termini of his or its route, unless service to intermediate points is authorized by any such permit."

The evidence is to the effect that the authority as quoted hereinbefore in connection with Permit No. A-455, does not propose the transportation of freight from Denver to any point beyond Rocky Ford, Colorado, or west of Manzanola, Colorado, to any point east thereof. Exhibit No. 7 shows that shipments have been handled from such points as Denver to La Junta, Las Animas, and Lamar, Colorado. For example, shipments were handled on October 6, 1952, November 6, 1952, December 1, 1952, and January 26, 1953, from the Holly Sugar Company, at Swink, Colorado, at a point eight miles east of Rocky Ford, Colorado, to Denver, Colorado. On October 11, 1952, and December 31, 1952, carrier handled shipments from Denver to La Junta, Colorado. On December 11, 1952, carrier handled a shipment of feed from Denver to Las Animas, Colorado, and on January 15, 1953, moved a shipment of cotton seed cake from Lamar, Colorado, to Denver, Colorado.

Had the Commission intended for the carrier to handle freight

between Denver and points east of Rocky Ford, Colorado, the operating authority would have read:

"Freight between Denver and the Colorado-Kansas State Line, via U. S. Highway No. 50, including all intermediate points."

6. It is alleged that the Respondent has violated Rule No. 18 of said Private Carrier Rules and Regulations, by engaging in an act, or acts, of transportation for hire, by accepting shipments for parties not listed as customers with this Commission, and by not notifying the Commission by letter of the addition of new customers.

Said Rule No. 18 reads as follows:

"(a) No private carrier by motor vehicle operating in Colorado shall engage in any act of transportation for hire unless and until such carrier has a bona fide contract, either written or oral, with the shipper for whom the transportation is performed, and every private carrier hauling in violation of this Rule shall be deemed prima facie to be operating unlawfully and his permit shall be subject to revocation.

"(b) Every private carrier shall file with the Commission a list of all shippers with whom the carrier has contracts, and new, revised customer lists shall be filed with the Commission at least once in each calendar year. Amended customer lists may be filed from time to time as may be necessary or convenient, and the Commission may at any time require a revised list to be filed. The Commission, on request, will supply forms for use in preparing customer lists.

"(c) Whenever any private carrier enters into a contract with a shipper who is not then on the carrier's customer list, the carrier shall immediately notify the Commission by letter of the addition of said shipper to the carrier's customer list, and if, by contract expiration or otherwise, a shipper ceases to be a customer of the carrier, the Commission shall likewise be notified of the deletion of the shipper from the customer list. No shipment shall be accepted by the carrier, and no haul shall be made for any shipper not on the carrier's customer list, unless and until the letter notifying the Commission of the addition of such shipper to the carrier's customer list has been deposited in the mail.

"(d) Copies of all written contracts of carriage in force between shippers and private carriers shall be retained by the carrier in a file for the purpose, and such contracts shall at all times be kept

available for inspection or examination by the Commission.

"(e) When an oral contract of carriage is entered into between a shipper and a private carrier, the carrier shall immediately make a written memorandum of such oral contract in a book to be kept for the purpose, such memorandum to include the name of the shipper, the name of the person with whom the contract was negotiated, the date and term of the contract, the commodities to be transported, the principal origin and destination points of the carriage, and all other material provisions of the contract. The book containing the memorandum of oral contracts shall at all times be kept available for inspection or examination by the Commission,

"(f) The act of any private carrier in filing or keeping on file with the Commission the name of any shipper as a customer of such carrier, when the carrier cannot support such filing by exhibiting a copy of the written contract or the written memorandum of the oral contract with such shipper, shall be prima facie evidence that such carrier is operating unlawfully and in violation of his permit, and the Commission may institute proceedings to cancel or suspend the permit of any such private carrier.

"(g) The Commission at all times shall have the right to investigate all customer lists and customer contracts, and to approve or disapprove such lists and the whole or any part of such contracts."

Exhibit No. 7 shows that on October 11, 1952, Wright Motor Lines, under its Permit No. A-455, handled a shipment consisting of forty drums keap and one five-gallon can of Wesson Oil, from the Wesson Oil and Snowdrift Company, Denver, Colorado, to Valley Chip and Supply Company, La Junta, Colorado, while neither the consignor nor the consignee appears on the carrier's customer list.

The same situation obtains in connection with a movement of keap on January 7, 1953, from the same shipper to the same consignee.

On January 9, 1953, carrier handled a shipment of sheet iron containers from the Superior Honey Company, Denver, Colorado, to Otis Adcock, Rocky Ford, Colorado, and again neither party appears on the customer list.

The only testimony offered by Respondent was that of Viola Wright, wife of Respondent, who attempted to explain some of the violations above listed, but her explanation was not satisfactory to the Commission.

FINDINGS

THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof, by reference.

That said George Wright, and George Wright, doing business as "Wright Motor Lines," Rocky Ford, Colorado, in the operation of PUC No. 960 and PUC No. 960-I, has violated the authority granted in said certificates, by employing agents in towns and cities other than Rocky Ford, Colorado, and has violated Rules Nos. 14, 16, and 34 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, effective January 1, 1951.

That said George Wright, and George Wright, doing business as "Wright Motor Lines," Rocky Ford, Colorado, in the operation of Private Carrier Permit No. A-455, has violated Rules Nos. 5 and 18 of the Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 15, 1950, in the particulars set forth in the above and foregoing Statement, and that PUC No. 960, PUC No. 960-I, and Private Carrier Permit NO. A-455 should be cancelled and revoked; provided, however, in lieu of said revocation, Respondent may, if he so desires, pay to the Commission for the use of the State of Colorado, the sum of One Hundred Fifty Dollars (\$150.00) as a penalty.

ORDER

THE COMMISSION ORDERS:

That PUC No. 960, PUC No. 960-I, and Private Carrier Permit No. A-455 should be, and the same are hereby, revoked and cancelled; provided, however, that, in lieu of said revocations, Respondent may, if he so desires, pay to the Commission, on or before November 15, 1953, for the use of the State of Colorado, the sum of One Hundred Fifty Dollars (\$150.00).

This Order shall become effective twenty-one (21) days from
the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchel
Joseph W. Hawley
Ralph C. Hutton
Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1953.

HW

(SEAL)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF L. O., LA VERNE,
WAYNE & JIMMIE LIGHT, AND L. O.,
LA VERNE, WAYNE & JIMMIE LIGHT,
DOING BUSINESS AS "L. O. LIGHT &
SONS," LAMAR, COLORADO, UNDER CER-
TIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY NO. 1178 AND NO. 1407,
AND PERMIT NO. B-1148.

CASE NO. 5053

October 30, 1953

Appearances: LaVerne Light, Lamar, Colorado,
for Respondents;
William T. Secor, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Heretofore, L. O., LaVerne, Wayne & Jimmie Light, and L. O., La-
Verne, Wayne and Jimmie Light, doing business as "L. O. Light & Sons,"
Lamar, Colorado, were authorized to operate as a common carrier by motor
vehicle, not on schedule, for the transportation, under PUC No. 1178, of:

- (a) beets, loose hay, melons, cantaloupes, and onions
from fields, and grain from threshers within a
radius of 3 miles of his home, located $3\frac{1}{2}$ miles
east of Pueblo, to storage, loading points and
markets in said area and to Avondale and Pueblo,
and
- (b) farm products, including livestock, from point to
point in Pueblo County, except and provided, how-
ever, that applicant shall not render any trans-
portation service in that part of Pueblo County
lying west of a line extending from Pueblo south
to the south boundary line of Pueblo County, and
shall not conduct any transportation service be-
tween, from or to points within a radius of 15
miles of Avondale, except in the 3 mile radius of
his farm home as described above; and shall not
conduct any service of a competitive character be-
tween towns along U. S. 85 and 50, in competition
with scheduled common carriers.

Said certificate No. PUC-1178 was extended to include the transportation, not on schedule, of:

livestock, farm products, farm supplies, second-hand farm machinery, and used household goods between points in Pueblo County, except that portion of said County which lies west of U. S. 85 and south of the Arkansas River, and from and to points in said area, to and from points in the State of Colorado, without the right to serve between points served by motor vehicle carriers operating on schedule, and the transportation of construction equipment and supplies for the construction of farm reservoirs, ditches, etc., from farm to town, town to farm in Pueblo County.

Heretofore, L. O., LaVerne, Wayne & Jimmie Light, and L. O., LaVerne, Wayne and Jimmie Light, doing business as "L. O. Light & Sons," were authorized to operate as a common carrier by motor vehicle, on call and demand, for the transportation, under PUC-1407, 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.

Heretofore, L. O., LaVerne, Wayne & Jimmie Light, and L. O., LaVerne, Wayne and Jimmie Light, doing business as "L. O. Light & Sons," were authorized to operate as a private carrier by motor vehicle, with authority, under Permit No. B-1148, as follows:

between all points in Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935.

Under date of April 8, 1953, Louis J. Carter, Supervisor, Complaint and Investigation Division of the Commission, submitted a report to the Commission on the operations under said certificates and permit, and by Decision No. 40332, of date April 24, 1953, the Commission, on its own motion, ordered an investigation of such operations and required respondents to show cause on or before the 5th day of May, 1953, why an order should not be entered revoking said certificates and permit on account of violations by respondents of the Rules and Regulations of this Commission.

No response was filed by respondents.

Hearing was set in Denver, Colorado, May 5, 1953, at ten o'clock A. M., at which time, after due notice to all interested parties, the case was heard and taken under advisement.

When the case was called up for hearing, LaVerne Light, one of said respondents, appearing for all of said respondents, personally admitted for the record that all of the charges set forth in Decision No. 40332 were true, and it was stipulated by the interested parties that the records and files of the Commission should be admitted in evidence without specific reference to the same as separate exhibits.

William M. Brayden, Rate Expert of the Commission, testified on behalf of the Commission, and identified the Commission's records and files, which show the following facts relative to the respective charges contained in said Decision No. 40332:

1. It is alleged that respondents violated Rules 14, 16, and 34 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, effective January 1, 1951, and Rules 12, 14, 18, and 19 of the Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 15, 1950.

Rule 14 (Common Carrier) and Rule 12 (Private Carrier) read as follows:

Rule 14 (Common Carrier)

"Unless the Commission finds after a hearing that the public interest otherwise requires, no common carrier shall as lessee, lease or rent equipment to be used under his certificate except in accordance with these rules.

"(a) No lease of equipment shall be executed for any period less than six (6) months.

"(b) Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or employing of drivers, with compensation on

a percentage basis, dependent on gross receipts per trip, or for any period of time, is prohibited. Leases of equipment shall be in writing, and a duplicate original of such lease with the actual signatures of lessor and lessee thereon, shall be filed with the Commission. The Commission shall at all times have the right to examine all leases of equipment, and approve or disapprove the same.

"(c) No common carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof to any person, firm, or corporation not a carrier by motor vehicle for hire."

Rule 12 (Private Carriers)

"(a) No private carrier shall, as lessee, lease or rent equipment to be used under his permit except in accordance with these Rules.

"(b) No lease of equipment shall be executed for any period less than six (6) months.

"(c) Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or employing of drivers, with compensation on a percentage basis, dependent on gross receipts per trip, or for any period of time, is prohibited. Leases of equipment shall be in writing, and duplicate original of such lease with the actual signatures of lessor and lessee thereon, shall be filed with the Commission. The Commission shall at all times have the right to examine all leases of equipment, and approve or disapprove the same.

"(d) No private carrier shall lease or rent his equipment or otherwise transfer proprietary control of or the responsibility for the operation thereof to any person, firm, or corporation not a carrier for hire by motor vehicle.

2. It is alleged that respondents violated said Rules by failing to provide leases of equipment and by filing leases of equipment which did not, in fact, show the true agreement of lease between respondents and the lessor of said equipment.

The records and files of the Commission show the following list of leases on file with the Commission for the Year 1952, together with the consideration for the use of such equipment:

<u>Lessor</u>	<u>Address</u>	<u>Consideration</u>
Robert W. Harmon	Pueblo, Colorado	20 cents per running mile
Robert E. Walter	LaJunta, Colorado	25 cents per loaded mile
Roberts and Newlin	LaJunta, Colorado	35 cents per mile
Harold J. McCune	Burlington, Colorado	\$200 per month, or 20 cents per loaded mile
Warren and Roberts	LaJunta, Colorado	25 cents per loaded mile

Each of the above lessors rendered monthly statements to L. O. Light & Sons, showing the freight charges collected and deductions as follows:

ROBERT W. HARMON:

<u>Month</u>	<u>Freight Charges</u>	<u>Federal Tax</u>	<u>Lease 7%</u>	<u>PL&PD Insurance</u>	<u>Road Tax</u>	<u>Amount Check</u>	<u>Retained by Lessor</u>
Oct.1952	\$1404.94	\$50.46	\$98.93	\$13.93	\$44.95	\$208.27	\$1196.67
Nov.1952	1127.99	33.33	78.95	13.09	36.86	162.73	965.26
Dec.1952	717.40	21.52	50.22	8.29	21.21	101.24	624.18
Feb.1953	1019.27	30.57	71.35	52.20	31.83	185.95	833.32

ROBERT E. WALTER:

Oct.1952	\$2169.14	\$63.05	\$151.84	\$25.16	\$58.71	\$298.76	\$1870.38
Nov.1952	1502.71	45.08	----	17.43	39.50	102.01	1400.70
Dec.1952	933.63	28.01	----	10.83	21.94	60.78	872.85

Half of clock and ad for advertising	-----	\$15.55
Paid J. Ballard for leather case for		
Jimmie Light	-----	10.00
Paid tire bill at O. K. Tire Shop	-----	8.00
		<u>\$33.55</u>
		\$27.23

ROBERTS & NEWLIN:

<u>Month</u>	<u>Freight Charges</u>	<u>Federal Tax</u>	<u>Lease 7%</u>	<u>PL&PD Insurance</u>	<u>Road Tax</u>	<u>Amount Check</u>	<u>Retained by Lessor</u>
Sept. 1952	\$2476.49	\$74.12	\$172.96	\$28.66	\$65.99	\$341.72	\$2134.76
Oct. 1952	2321.74	69.65	162.52	26.93	58.51	317.61	2004.33

HAROLD McCUNE:

Oct. 1952	\$2149.15	\$62.81	\$146.51	\$24.28	\$55.83	\$289.43	\$1859.72
Nov. 1952	1046.01	30.67	70.53	11.69	38.30	151.19	894.82
Dec. 1952	843.97	25.23	56.92	9.43	30.75	122.63	721.34
Jan. 1953	1025.80	31.28	69.22	11.47	36.89	95.78	877.94

WARREN & ROBERTS:

Oct. 1952	\$2034.51	\$61.04	\$142.42	\$23.60	\$46.26	\$273.23	\$1761.29
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The above data is self-explanatory and needs no comment on the part of the Commission as to the method of operation of L. O. Light and Sons under their Certificates Nos. 1178 and 1407 or their Private Permit No. B-1148. The facts shown above are conclusive that they were not paying the lessors on the basis specified in the "Lease of Equipment" agreements.

3. It is alleged that respondents violated Rule 16 (Common Carrier), and Rule 14 (Private Carrier) by permitting others to operate under PUC-1178, PUC-1407, and Private Permit No. B-1148. Said Rules 16 and 14 read as follows:

Rule 16 (Common Carriers)

"No common carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these rules, under his or its certificate, without first having obtained the consent of the Commission in writing. Any common carrier permitting any person, firm, or corporation to operate vehicles under his or its permit, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user."

Rule 14 (Private Carriers)

"No private carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these Rules, under his or its permit, without first having obtained the consent of the Commission in writing. Any private carrier permitting any person, firm, or corporation to operate vehicles under his or its permit, either with or without the authorization of the Commission, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user."

The records and files of the Commission show that the information and data shown hereinbefore in connection with violations of Rule 14 (common carrier) and Rule 12 (private carrier) indicates that each of the parties leasing equipment to L. O. Light and Sons was in reality authorized by said L. O. Light and Sons to operate under their certificates and permit, each as a separate and distinct unit, in other words, the carrier transferred the proprietary control of and responsibility of the operation to persons other than the carrier himself.

Further evidence may be found in the Fall issue of the 1952 telephone directory for the towns of Cheraw, Manzanola, LaJunta, Fowler, Ordway, Sugar City, Las Animas and Rocky Ford.

On page 14 of the directory will be found the following entry:

LIGHT, L. O. and Sons livestock hauling W of La Junta799
Walter Robert E W of La Junta799

On page 24 of the same directory will be found:

Walter Robert E W of La Junta799

In the classified section of this directory, page 32, under the caption "Livestock Hauling" it shows:

LIGHT L O & SONS W of La Junta799

together with an advertisement reading:

"LIVESTOCK

TRANSPORTATION

La Junta
phone 799

Lamar
phone 648

L. O. LIGHT AND SONS
W of La Junta."

The Burlington Record of Burlington, Colorado, under date of March 5 and 12, 1953, carries the following advertisement:

"TRUCKING

Hauls Made Any Place in Colorado
and Surrounding States

Call HAROLD McCUNE, Phone 383

or WALT GERKE, Phone 302-NW."

(then in small print) - Leased to L. O. Light & Sons.

4. It is alleged that respondents violated Rule 34 (Common Carrier) and Rule 19 (Private Carrier) by charging, demanding and receiving a greater or less or different compensation for the transportation of commodities and shipments than the rates, charges and classifications prescribed by charging, demanding and receiving a greater or less or different compensation for service than the rates and charges applicable to such transportation service as specified in their schedule of rates on file with this Commission, and by charging less for transportation under the Permit than the rates prescribed for service by common carriers for substantially the same or similar service.

Said Rule 34 and Rule 19 read as follows:

Rule 34 (Common Carrier)

"(a) No motor vehicle carrier shall charge, demand, collect or receive a greater, or less, or different compensation for the transportation of any commodity or shipment than the rates, charges, classifications, exceptions, rules and regulations, prescribed by the Commission for the transportation of any such commodity or shipment, which said rates, charges, classification, exceptions, rules and regulations shall be published in the manner and form prescribed by law and the orders of the Commission.

"(b) No motor vehicle carrier shall charge, demand, collect or receive a greater, or less, or different compensation for any service rendered, or to be rendered, than the rates and charges applicable to such transportation service as specified in its schedules on file and in effect at the time, nor shall any such motor vehicle carrier refund or remit, directly or indirectly in any manner or by any device, any portion of the rates 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, 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 motor vehicle carrier.

"(c) No motor vehicle carrier shall, directly or indirectly, issue, give, tender or honor any free ticket or free pass for passengers between points within the State of Colorado, except as provided by law.

"(d) No motor vehicle carrier in sightseeing operations shall give free transportation service from a railroad, bus, or airline depot to a hotel, rooming house, or private residence, or vice versa, when offered in connection with a sightseeing trip or trips; provided, however, that the application of this rule shall not apply to sightseeing operators in the Colorado Springs area if said operators shall, in their tariffs, make provision for and set forth any and all free transportation service which they desire to render from railroad, bus or air line depots to hotels, rooming houses or private residences, or vice versa, when offered in connection with sightseeing trip or trips."

Rule 19 (Private Carrier)

"(a) Every private carrier by motor vehicle operating in intrastate commerce and competing with any one or more duly authorized motor vehicle common carriers shall charge and receive for the transportation of persons and property not less than the minimum rates and charges applicable to such private carriers which shall be fixed from time to time by the Commission, and said minimum rates and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service.

"(b) When competing with any two or more connecting motor vehicle common carriers who have on file with the Commission a tariff of joint through rates based upon the through mileage prescribed in any order of the Commission fixing the rates of motor vehicle common carriers, every private carrier by motor vehicle shall charge not less than the minimum rates prescribed by the Commission, which shall not be less than those provided in any such joint tariff applicable to the points served. If no joint through rates are published and maintained by any such connecting motor vehicle common carriers, then any such private carrier by motor vehicle shall charge not less than the minimum rates prescribed by the Commission, which shall not be less than the combination of local rates for common carriers prescribed by the Commission for application between the points served.

"(c) The rates and charges collected or to be collected by private carriers shall be subject to the requirements of these Rules as to filing tariffs with the Commission.

"(d) The Commission may at any time, after hearing, change, amend, or alter any tariff or rate of any private carrier competing with a motor vehicle common carrier, and may fix the exact rates to be charged by any such private carrier."

The records and files of the Commission show that for shipments handled under Permit No. B-1148, the "Rate Check Sheets" show under-charges in the amount of \$169.00. In addition to the undercharges, many other discrepancies were found, for example: Waybill No. 3774, October 21, 1952, shows 57 hogs weighing 12,500 pounds, 21 cattle, 21,575 pounds. Carrier reported 21,575 pounds on his monthly road tax report. October 28, 1952, waybill 3782, carrier handled 74 cattle for Harry Norman, weighing 43,570 pounds, monthly report shows 21,450 pounds.

Checking the monthly tonnage report for the months of October, November and December, 1952, Permit No. B-1148, filed with the Commission, and the tonnage report furnished by Robert Harmon to L. O. Light & Sons, the following weight discrepancies were found:

	<u>Monthly Tonnage Report</u>	<u>Harmon's Report</u>
October 1952	340,337 pounds	512,209 pounds
November 1952	408,310 "	409,125 "
December 1952	<u>240,355</u> "	<u>457,325</u> "
Total	989,002 "	1,378,659 "
		<u>989,002</u>
	Carrier failed to report -	389,657 "

Freight transported under Certificates Nos. 1178 and 1407 shows under-charges amounting to \$1,038.60, overcharges \$115.10, for the months of October, November and December 1952, and represents a check of 302 bills.

Two bills checked, one for October 18th and the other for November 17th, carrier reported shipments handled outside of his operating authority.

Many shipments were handled by consolidating several less-than-truck-load shipments, and applying the rate subject to the highest minimum weight and the lowest rate on the entire movement, contrary to the provisions of his tariff.

Carrier does not apply the mileages prescribed by the Commission, and most of the shipments are reported as moving from town to town rather than from farm to town or vice versa, thereby creating over and undercharges.

5. It is alleged that respondents violated Rule 18 (Private Carrier) by engaging in an act or acts of transportation for hire by accepting shipments for parties not listed with this Commission, or by accepting shipments and not notifying the Commission, by letter, of the addition of any new customers.

Said Rule 18 reads as follows:

- "(a) No private carrier by motor vehicle operating in Colorado shall engage in any act of transportation for hire unless and until such carrier has a bona fide contract, either written or oral, with the shipper for whom the transportation is performed, and every private carrier hauling in violation of this Rule shall be deemed prima facie to be operating unlawfully and his permit shall be subject to revocation.
- "(b) Every private carrier shall file with the Commission a list of all shippers with whom the carrier has contracts, and new, revised customer lists shall be filed with the Commission at least once in each calendar year. Amended customer lists may be filed from time to time as may be necessary or convenient, and the Commission may at any time require a revised list to be filed. The Commission, on request, will supply forms for use in preparing customer lists.
- "(c) Whenever any private carrier enters into a contract with a shipper who is not then on the carrier's customer list, the carrier shall immediately notify the Commission by letter of the addition of said shipper to the carrier's customer list, and if, by contract expiration or otherwise, a shipper ceases to be a customer of the carrier, the Commission shall likewise be notified of the deletion of the shipper from the customer list. No shipment shall be accepted by the carrier, and no haul shall be made for any shipper not on the carrier's customer list, unless and until the letter notifying the Commission of the addition of such shipper to the carrier's customer list has been deposited in the mail.
- "(d) Copies of all written contracts of carriage in force between shippers and private carriers shall be retained by the carrier in a file for the purpose, and such contracts shall at all times be kept available for inspection or examination by the Commission.
- "(e) When an oral contract of carriage is entered into between a shipper and a private carrier, the carrier shall immediately make a written memorandum of such oral contract in a book to be kept for the purpose, such memorandum to include the name of the shipper, the name of the person with whom the contract was negotiated, the date and term of the contract, the commodities to be transported, the principal origin and destination points of the carriage, and all other material provisions of the contract. The book containing the memoranda of oral contracts shall at all times be kept available for inspection or examination by the Commission.

"(f) The act of any private carrier in filing or keeping on file with the Commission the name of any shipper as a customer of such carrier, when the carrier cannot support such filing by exhibiting a copy of the written contract or the written memorandum of the oral contract with such shipper, shall be prima facie evidence that such carrier is operating unlawfully and in violation of his permit, and the Commission may institute proceedings to cancel or suspend the permit of any such private carrier.

"(g) The Commission at all times shall have the right to investigate all customer lists and customer contracts, and to approve or disapprove such lists and the whole or any part of such contracts."

The records and files of the Commission show that Respondents performed transportation service under their Permit No. B-1148 for the following persons or firms, without first having filed with the Commission, the name and address of said persons or firms contrary with the above rule:

<u>Consignor</u>	<u>Address</u>	<u>Origin of Shipment</u>	<u>Consignee</u>	<u>Address</u>	<u>Destination of Shipment</u>
C. Hart	Holly, Colo.	La Junta, Colo.	C. Hart	Holly, Colo.	S of Holly
Bill Baxter	Lamar, Colo.	N.Kit Carson	Bill Baxter	Lamar, Colo.	Winters Sales LaJunta, Colo.
Mr. Ingram	Fowler, Colo.	N.Monte Vista	Ingram	Fowler, Colo.	Fowler, Colo.
Mr. King	Lamar, Colo.	Winters-LaJunta	Mr. King	Lamar, Colo.	S of Lamar
Grover Swift	Not Legible	LaJunta, Colo.	Grover Swift	Same	Millers Ranch
John Hixon	Holly, Colo.	LaJunta, Colo.	John Hixon	Holly, Colo.	Lamar, Colo.
Mr. Hart	Pueblo, Colo.	N of Monte Wista	Not shown	Not shown	Vineland, Colo.
Chapple & James	Eads, Colo.	LaJunta, Colo.	Chapple & James	Eads, Colo.	Eads Live- stock
Mr. Hendrix	Ramond	Pueblo, Colo.	Mr. Hendrix	Ramond	Winters-LaJunta
Bob Walters	LaJunta, Colo.	LaJunta, Colo.	Bob Walters	LaJunta	Marshall Feed Lot
Eichman Bros	Olney Spgs.	LaJunta, Colo.	Eichman Bros	Olney Spgs	Ranch
Kurtz, Amik, Sparky	Pueblo, Colo.	Lamar, Colo.	Kurtz, Amik, Sparky	Pueblo	Pueblo, Colo.
(Kurtz not listed as customer)					
Kurtz & Ursick	Pueblo, Colo.	Lamar, Colo.	Kurtz & Ursick	Pueblo, Pueblo	Packing House
Bob Walters	LaJunta, Colo.	Marshall	Bob Walters	LaJunta	Winters

FINDINGS

THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof, by reference.

That said L. O., LaVerne, Wayne & Jimmie Light, and L. O., LaVerne, Wayne & Jimmie Light, doing business as "L. O. Light & Sons," Lamar, Colorado, in the operation of PUC No. 1178, PUC No. 1407, and Private Permit No. B-1148, have violated Rules 14, 16, and 34 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, effective January 1, 1951, and Rules 12, 14, 18, and 19 of the Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 15, 1950, in the particulars set forth in the above and foregoing Statement, and that PUC No. 1178, PUC No. 1407, and Private Permit No. B-1148 should be cancelled and revoked; provided, however, in lieu of said revocation, respondents may, if they so desire, pay to the Commission, for the use of the State of Colorado, the sum of \$150.00 as a penalty.

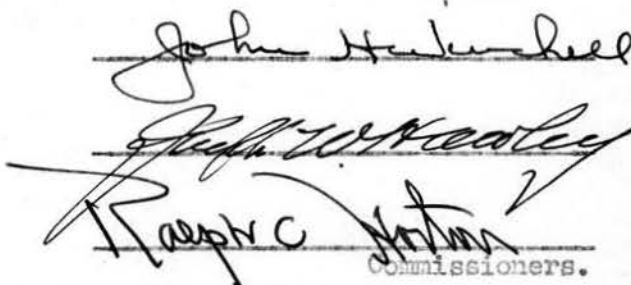
ORDER

THE COMMISSION ORDERS:

That PUC No. 1178, PUC No. 1407, and Private Permit No. B-1148 be, and the same are hereby, revoked and cancelled; provided, however, that in lieu of said revocation respondents may, if they so desire, pay to the Commission, on or before November 15, 1953, for the use of the State of Colorado, the sum of \$150.00.

That this Order shall become effective twenty-one days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF HARRY BENNETT,)
3130 ELIZABETH, PUEBLO, COLO-)
RADO, UNDER CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY)
NUMBERS 480 and 480-I.)
-----)

CASE NO. 5056

October 30, 1953

Appearances: Barry and Hupp, Esqs.,
Denver, Colorado, for
Harry Bennett;
William T. Secor, Esq., Denver,
Colorado, for the Com-
mission.

S T A T E M E N T

By the Commission:

Harry Bennett, Pueblo, Colorado, is the owner of PUC No. 480
and PUC No. 480-I, authorizing him to operate as a common carrier by
motor vehicle for hire, with authority as follows:

Conducting of a transfer, moving and general cartage
business in the Counties of Pueblo, Huerfano and
Las Animas, in the State of Colorado, and for oc-
casional service throughout the State of Colorado,
and in each of the counties thereof, subject to the
terms and conditions hereinafter stated: (a) For
the transportation of commodities, other than house-
hold goods, between points served singly or in com-
bination by scheduled carriers, the applicant shall
charge rates which shall be as much as twenty per
cent (20%) higher in all cases than those charged
by scheduled carriers; (b) The applicant shall not
operate on schedule between any points; (c) The appli-
cant shall not be permitted, without further authority
from the Commission, to establish a branch office or
to have an agent employed in any town or city other
than Pueblo for the purpose of developing business.

Transportation of freight in interstate commerce only
between all points in Colorado and the Colorado State
boundary line where all highways cross the same.
Subject to the Provisions of the Federal Motor Carrier
Act of 1935.

Under date of April 14, 1953, Louis J. Carter, Supervisor, Complaint
and Investigation Division of the Commission, submitted a report to the

Commission on the operations under said certificates, and, by Decision No. 40335, of date April 24, 1953, the Commission, on its own motion, ordered an investigation of such operations and required the respondent to show cause on or before the 5th day of May, 1953, why an order should not be entered revoking said certificates on account of violations by respondent of Rules 15, 16, and 34 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, effective January 1, 1951.

No response was filed by respondent.

Hearing was set in Denver, Colorado, May 5, 1953, at ten o'clock A. M., at which time, after due notice to all interested parties, the case was heard and taken under advisement.

When the case was called up for hearing, counsel for respondent admitted for the record that all of the charges set forth in Decision No. 40335 were true. It was stipulated by the interested parties that the records and files of the Commission should be admitted in evidence without specific reference to the same as separate exhibits.

William M. Brayden, Rate Expert for the Commission, testified on behalf of the Commission and identified the Commission's records and files, which show the following facts relative to the respective charges contained in said Decision No. 40335:

1. It is alleged that respondent violated Rule 15 of the above cited rules and regulations by using or attempting to use emergency equipment without mailing to the Commission a copy of the emergency letter used by the carrier as provided in said rule and by issuing blank emergency letters to other carriers.

Said Rule 15 reads as follows:

"(a) Whenever any common carrier by motor vehicle, in cases of emergency or unusual demands for transportation, must use equipment not listed with the Commission and for which identification cards have not been issued, the certificate-holder shall furnish the operator of each emergency vehicle with, and the operator of any such vehicle shall carry, a letter in the form attached hereto as 'Appendix A,' stating that the emergency vehicle described in

such letter is being operated as such under the authority of the certificate held by the common carrier using such emergency vehicle. Such letter of authority shall specify the number of the certificate held by the writer thereof, the name and address of the owner of such emergency vehicle, license number, and a complete description thereof, and the period for which the emergency vehicle is to be operated as such.

"(b) A copy of such letter of authority shall be mailed immediately by the certificate-holder to The Public Utilities Commission at Denver, Colorado.

"(c) The driver or operator of any such emergency vehicle need not bear the relationship of an employee to the carrier, but in all such cases, all requirements of these rules shall be complied with by said driver and operator, and the carrier hiring said equipment and driver shall be held fully responsible for said driver and operator in regard to insurance and all other requirements of law and of these Rules.

"(d) All highway compensation taxes accruing from the use of the emergency vehicle shall be reported by the carrier employing such equipment, and not by the driver or operator of such vehicle."

The records and files of the Commission show that Harry L. Bennett, as holder of Certificate No. 480, did not mail to the Commission emergency letters issued during the period November 21, 1951 to and including February 16, 1953, as required by paragraph (b) of Rule No. 15.

Paragraphs (c) and (d) quoted above, provide that a carrier hiring such equipment and the driver, shall be held fully responsible for said driver and operator in regard to insurance and all other requirements of law and of the rule and that all highway tax accruing from the use of the emergency vehicle or vehicles shall be reported by the carrier employing such equipment.

During the period November 21, 1951 to February 16, 1953, the carrier issued 19 emergency letters as follows:

<u>Date of Letter</u>	<u>Consignee</u>	<u>Address</u>	<u>Consignor</u>	<u>Address</u>	<u>Reason for Letter</u>
Nov. 21, 51	L. N. Corning	Pueblo	L.N.Corning	Denver	No vehicle of this type
Dec. 10, 51	H. J. Dunell	LaJunta	H.J.Dunell	Pueblo	Do.
Jan. 12, 52	Mrs. Sellers	Pueblo	Mrs. Sellers	Walsenburg	Do.
Feb. 9, 52	Mrs.Howard Schnell	Pueblo	Mrs.H.Schnell	Denver	Do.
Feb. 5, 52	John Lynch	Pueblo	John Lynch	Longmont	Do.
Mar. 3, 52	Bob Glover	Denver	Bob Glover	Pueblo	Needed closed van
June 10 52	Earl Hostedder	Pueblo	Earl Hostedder	Denver	No equip. of this type
Feb. 4 52	H. G. Muena	Ordway	H. G. Muene	Pueblo	Do.
Feb. 16, 52	Gentzhaw	Denver	Gentzhaw	Pueblo	Do.

There were no freight bills issued to cover the above emergency letters, and the highway tax accruing was not reported.

<u>Date of Letter</u>	<u>Consignee</u>	<u>Address</u>	<u>Consignor</u>	<u>Address</u>	<u>Reason for Letter</u>
Nov. 11, 52	W. R. Hunter	Ft. Collins	W.R.Hunter	Pueblo	No equipment of this type
Mar. 17 52	Don Steele	Grand Jet.	Don Steele	Pueblo	Do.
Apr. 7 52	John Taylor	Denver	John Taylor	Pueblo	Do.
July 11 52	Paul Owens	Air Base	Paul Owens	Denver	Do.
Aug. 10 52	Stillman Radio	Alamosa	Stillman Radio	Pueblo	Do.
Oct. 21 52	Roy Winters	Pueblo	Roy Winters	Denver	Do.
Dec. 4 52	Mrs.O.J.Schweigen	Pueblo	Mrs.O.J.Schweigen	La Junta	Do.
Dec. 8 52	Alfred Fontechio	Pueblo	Alfred Fontechio	La Junta	Do.
Dec. 31 52	R. W. Taylor	Englewood	R. W. Taylor	Pueblo	Do.
Feb. 14 53	Mrs. Miller	Trinidad	Mrs. Miller	Pueblo	Do.

Freight bills covering the above ten emergency letters were issued by Sully's Transfer and Storage, whereas, the bills should have been issued by the Bennett Motor Transport.

Inspector Neil Grant, picking up these emergency letters, noted that Sully's Transfer and Storage had in their possession six signed emergency letters issued by the Bennett Motor Transport thereby making available to Sully's Transfer and Storage use of these letters as the occasion demands.

2. It is alleged that the respondent has violated Rule 16 of the above cited Rules by permitting others to operate under PUC Nos. 480 and 480-I, which rule reads as follows:

"No common carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these rules, under his or its certificate, without first having obtained the consent of the Commission in writing. Any common carrier permitting any person, firm, or corporation to operate vehicles under his or its permit, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user."

The records and files of the Commission show that Respondent Bennett signed and turned over to Sully's Transfer and Storage, authority under the guise of emergency letters to be used at the discretion of the Transfer Company for the general transportation of freight, said Harry L. Bennett thus authorizing other persons, firms, or corporations to operate under his certificates without first having obtained the consent of the Commission. This is further evidenced by the fact that Sully's Transfer and Storage issued bills and collected charges for the transportation of freight through the use of these so-called emergency letters.

In addition to the ten emergency letters issued by Sully's Transfer and Storage covering movements of freight to Denver, Pueblo and La Junta, above listed, for which the Transfer Company issued bills and collected the charges therefor, we find the following movements made outside the operating authority of Sully's Transfer and Storage Company, and for which the staff is unable to locate emergency letters to cover, over routes authorized to be served by respondent:

<u>Date</u>	<u>Freight Bill No.</u>	<u>Consignor & Address</u>	<u>Consignee & Address</u>
May 26, 52	43	Mrs. Abrams, Pueblo	Mrs. Abrams, Ft. Lupton
June 7, 52	47	R. L. Royce, Pueblo	R. J. Royce, Rocky Ford
Sept. 11, 52	96	R. M. Davis, Not shown	R. M. Davis, Grand Jct.
Not shown	115	John Salvatori, Sopris	J. Salvatori, Pueblo
Oct. 31, 52	126	Estelle Felts, Rocky Ford	Estelle Felts, Pueblo
Nov. 22, 52	130	Charles Maes, Not shown	Charles Maes, Walsenburg
Dec. 8, 52	139	John Jones, Jr., Pueblo	John Jones, Jr., La Junta
Jan. 13, 53	160	Mrs. Bicketts, La Junta	Mrs. Bicketts, Pueblo

3. It is alleged that the respondent has violated Rule 34 of the above cited Rules by charging, demanding and receiving a greater or less or different compensation for the transportation of commodities and shipments than the rates, charges and classifications prescribed and by charging, demanding and receiving a greater or less or different compensation for service than the rates and charges for such transportation as specified in his schedule of rates on file with this Commission. Said

Rule 34 reads as follows:

"(a) No motor vehicle carrier shall charge, demand, collect or receive a greater, or less, or different compensation for the transportation of any commodity or shipment than the rates, charges, classifications, exceptions, rules and regulations, prescribed by the Commission for the transportation of any such commodity or shipment, which said rates, charges, classifications, exceptions, rules and regulations shall be published in the manner and form prescribed by law and the orders of the Commission.

"(b) No motor vehicle carrier shall charge, demand, collect or receive a greater, or less, or different compensation for any service rendered, or to be rendered, than the rates and charges applicable to such transportation service as specified in its schedules on file and in effect at the time, nor shall any such motor vehicle carrier refund or remit, directly or indirectly in any manner or by any device, any portion of the rates 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, 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 motor vehicle carrier.

"(c) No motor vehicle carrier shall, directly or indirectly, issue, give, tender or honor any free ticket or free pass for passengers between points within the State of Colorado, except as provided by law.

"(d) No motor vehicle carrier in sightseeing operations shall give free transportation service from a railroad, bus, or airline depot to a hotel, rooming house, or private residence, or vice versa, when offered in connection with a sightseeing trip or trips; provided, however, that the application of this rule shall not apply to sightseeing operators in the Colorado Springs area if said operators shall, in their tariffs, make provision for and set forth any and all free transportation service which they desire to render from railroad, bus or air line depots, to hotels, rooming houses or private residences, or vice versa, when offered in connection with sightseeing trip or trips."

The records and files of the Commission show that, for the period October 1, 1952, to and including December 16, 1952, the staff checked a total of 34 bills, 8 of which were for interstate shipments, 19 where the distances were not properly shown and, therefore, they could not compute the applicable rate. In 3 other instances, the carrier assisted another carrier in the transportation of livestock, nevertheless issued his own bill of charges and collected the freight, contrary to the provisions of Rule 15. Only 4 bills could be computed and these reflected undercharges in the amount of \$14.98 and \$47.32 overcharges.

FINDINGS

THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof by reference.

That said Harry Bennett, Pueblo, Colorado, in the operation of PUC-480 and PUC-480-I has violated Rules 15, 16 and 34 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, effective January 1, 1951, in the particulars set forth in the above and foregoing Statement, and that said PUC-480 and PUC-480-I should be cancelled and revoked; provided, however, in lieu of said revocation, respondent may, if he so desires, pay to the Commission for the use of the State of Colorado, the sum of \$150.00 as a penalty.

O R D E R

THE COMMISSION ORDERS:

That PUC-480 and PUC-480-I of the respondent Harry Bennett, be, and the same hereby are revoked and cancelled; provided, however, that in lieu of said revocation, respondent may, if he so desires, pay to the Commission, on or before November 15, 1953, for the use of the State of Colorado, the sum of \$150.00.

That this Order shall become effective twenty-one days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinkel

Joseph W. Hawley

Raymond C. Foster
Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF L. L. RICHARDSON,)
AND L. L. RICHARDSON, DOING BUSI-)
NESS AS "RED RICHARDSON," 2707)
CASCADE, PUEBLO, COLORADO, UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NUMBERS 370, 370-I,)
474 AND 474-I.)

CASE NO. 5055

October 30, 1953

Appearances: L. L. Richardson, Pueblo,
Colorado, pro se;
William T. Secor, Denver,
Colorado, for the Com-
mission.

S T A T E M E N T

By the Commission:

Heretofore, L. L. Richardson, and L. L. Richardson, doing business as "Red Richardson," Pueblo, Colorado, was authorized to operate as a common carrier by motor vehicle, under Certificates Nos. PUC-370 and PUC-370-I, for the transportation of:

farm products from the farms in Pueblo County to the markets in the City of Pueblo, and other points in said County, and of farm supplies from various points in said county to said farms; provided, however, that he shall not engage in the transportation of freight between points on or near the Santa Fe Trail and other points in said county served by scheduled carriers; further for the conduct of general transportation and cartage business in Vineland, in the County of Pueblo, and between points in said County and other points in the State, subject to the following conditions:

(a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which in all cases shall be at least 20% in excess of those charged by scheduled carriers; (b) the applicant shall not operate on schedule between any points. Amended to extend operating rights to include the right to transport clay, rock, sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in Colorado which are within a radius of 150 miles of Pueblo, to points in said radius, excluding service in Boulder, Clear Creek and Gilpin Counties.

Eliminates from Certificate No. 370 the requirement that the certificate holder shall not "establish a branch office or have an agent employed in any town or city other than Vineland for the purpose of developing business." Authorized to establish branch offices or maintain an agent in Pueblo and Blende, Colorado, without the right to establish other branch offices or agencies in towns or cities other than Pueblo and Blende.

Transportation of freight in interstate commerce only between all points in Colorado and the Colorado State boundary line where all highways cross the same.

Said L. L. Richardson, and L. L. Richardson, doing business as "Red Richardson," Pueblo, Colorado, was also authorized to operate as a common carrier by motor vehicle, under Certificates Nos. PUC-474 and PUC-474-I, for the transportation of:

freight from point to point within the city of La Junta; and the transportation of freight between said City and the points lying within a radius of 50 miles thereof, and all other points within the State, subject to the following terms and conditions: (a) For the transportation of all commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as 20% higher in all cases than those charged by scheduled carriers; (b) The applicant shall not conduct any operations outside of the City of La Junta on schedule; (c) The applicant shall not establish a branch office or have an agent employed in any other town or city than the City of La Junta for the purpose of developing business under this certificate; (d) The rates of the applicant shall in all trips made to points now having regular service, whether by rail or motor vehicle carrier, be at least 33-1/3% greater per passenger than the effective rates of such rail or motor vehicle carrier.

Transportation of freight in interstate commerce only between all points in Colorado and the Colorado State boundary line where all highways cross the same. Subject to the provisions of the Federal Motor Carrier Act of 1935.

Under date of April 13, 1953, Louis J. Carter, Supervisor, Complaint and Investigation Division of the Commission, submitted a report to the Commission on the operations under said Certificates and, by Decision No. 40334, of date April 24, 1953, the Commission, on its own motion, ordered an investigation of such operations and required the respondent to show cause on or before the 5th day of May, 1953, why an order should not

be entered revoking said certificates on account of violations by respondent of Rules 14, 16, and 34 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, Effective January 1, 1951.

No response was filed by respondent.

Hearing was set in Denver, Colorado, May 5, 1953, at 10:00 o'clock A. M., at which time, after due notice to all interested parties, the case was heard and taken under advisement.

When the case was called up for hearing, respondent personally admitted for the record that all of the charges set forth in said Decision No. 40334 were true and it was stipulated by all parties that the records and files of the Commission should be admitted in evidence without specific reference to the same as separate exhibits.

William M. Brayden, Rate Expert of the Commission, testified on behalf of the Commission and identified the Commission's records and files which show the following facts relative to the respective charges contained in said Decision No. 40334:

1. It is alleged that respondent violated Rule 14 of the above cited Rules and Regulations by failing to file leases of equipment and by filing leases of equipment which did not, in fact, show the true agreement of lease between respondent and the lessors of said equipment.

Said Rule 14 reads as follows:

"Unless the Commission finds after a hearing that the public interest otherwise requires, no common carrier shall as lessee, lease or rent equipment to be used under his certificate except in accordance with these rules.

"(a) No lease of equipment shall be executed for any period less than six (6) months.

"(b) Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or employing of drivers, with compensation on a percentage basis, dependent on gross receipts per trip, or for any period of time, is prohibited. Leases of equipment shall be in writing, and a duplicate original of such lease with the actual signatures of lessor and lessee thereon, shall

be filed with the Commission. The Commission shall at all times have the right to examine all leases of equipment, and approve or disapprove the same.

"(c) No common carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof to any person, firm, or corporation not a carrier by motor vehicle for hire."

The records and files of the Commission show that said L. L. Richardson entered into an agreement with the following individuals for the use of motor equipment on various dates and for the following considerations:

<u>Lessor</u>	<u>Equipment</u>	<u>Date of Lease</u>	<u>Term of Lease</u>	<u>Consideration</u>
Bob Roberts and Stanley Newlin	1948 GMC Tractor	8/31/51	1 Year	\$150.00 per month
Hubert C. Lee	1946 Fruehauf Trailer 1951 IHC Tractor	6/ 6/52	1 Year	24¢ per mile
Guy E. Willis	1949 IHC Tractor 1945 Omaha Std. Trailer	6/14/52	1 Year	24¢ per mile
Hubert C. Lee	1946 Fruehauf Trailer 1951 IHC Tractor	7/ 6/52	1 Year	24¢ per mile
Earl Hale	1947 GMC Tractor	7/16/52	1 Year	\$200.00 per month
Robert E. Walter	1951 GMC Tractor	7/16/51	1 Year	\$200.00 per month

An examination of the payments made to Hubert C. Lee Shows:

Freight and wages to date - October 1, 1952:

<u>Date</u>	<u>Ticket No.</u>	<u>Amount</u>	<u>Wheel Tax</u>	<u>PL&PD</u>
9/8	3341	\$ 9.82	\$.32	\$.13
9/7	3337	9.45	.14	.12
8/21	3332	15.20	.48	.20
9/8	3340	69.05	2.18	.91
9/17	2585	88.17	2.94	1.16
8/19	3316	30.00	1.80	.40
9/19	2587	75.29	1.55	.99
9/24	2589	36.73	1.03	.48
9/28	2595	41.23	1.30	.54
9/13	3349	35.08	1.11	.46
9/16	2583	50.75	1.83	.67
9/8	3342	13.68	.44	.18
9/12	3348	58.00	2.80	.77
9/10	3345	80.00	2.78	1.06
9/18	2586	79.56	1.80	1.05
9/7	3338	45.54	1.58	.60
9/23	2588	34.20	.90	.45
		<u>\$771.75</u>	<u>\$24.98</u>	<u>\$10.17</u>
	Less: Wheel Tax	24.98		
	PL&PD	10.17		
	Social Security	.75		
	Compensation	.97		
	Collected by Lee			
	Ticket No. 3345	82.40		
		<u>\$602.48</u>		
	Wages	\$ 50.00		
	Less: Social Security	.75		
		<u>\$49.25</u>		
			Paid by Check No. 3701	
			Paid by Check No. 3702	

In addition to the above, payments were made to Mr. Lee on the same basis for period ending October 13, 1952, October 27, 1952, November 10, 1952, November 14, 1952, December 3, 1952, and December 18, 1952, as follows:

<u>For period ending</u>	<u>Total Amount</u>	<u>Total Wheel Tax</u>	<u>Total PL&PD</u>
Oct. 18, 1952	\$769.85	\$22.45	\$9.97
Less: Wheel Tax	22.45		
PL&PD	9.97		
Wages	50.00		
Social Sec.	.75		
Compensation	.97		
	<u>\$685.71</u>		
		Paid by Check No. 3772	
Wages	\$ 50.00		
Less: Social Sec.	.75		
	<u>\$ 49.25</u>		
		Paid by Check No. 3773	
Oct. 27, 1952	\$498.71	\$14.27	\$6.57
Less: Wheel Tax	14.27		
PL&PD	6.57		
Wages	50.00		
Social Sec.	.75		
Compensation	.97		
	<u>\$426.15</u>		
		Paid by Check No. 3796	
Wages	\$ 50.00		
Less: Social Sec.	.75		
	<u>\$ 49.25</u>		
		Paid by Check No. 3797	
Nov. 10, 1952	\$674.98	\$22.44	\$8.91
Less: Wheel Tax	22.44		
PL&PD	8.91		
Wages	50.00		
Social Sec.	.75		
Compensation	.97		
	<u>\$591.91</u>		
		Paid by Check No. 3832	
Wages	50.00		
Less: Social Sec.	.75		
	<u>\$ 49.25</u>		
		Paid by Check No. 3833	
Nov. 14, 1952	\$278.55	\$ 8.25	\$3.68
Less: Wheel Tax	8.25		
PL&PD	3.68		
Wages	50.00		
Social Sec.	.75		
Compensation	.97		
	<u>\$214.90</u>		
		Paid by Check No. 3858	
Wages	\$ 50.00		
Less: Social Sec.	.75		
	<u>\$ 49.25</u>		
		Paid by Check No. 3859	
Dec. 3, 1952	\$565.91	\$10.45	\$7.46
Less: Wheel Tax	10.45		
PL&PD	7.46		
Wages	50.00		
Social Sec.	.75		
Compensation	.97		
	<u>\$479.29</u>		
11/18 #3008 collected	16.99		
	<u>\$496.28</u>		
		Paid by Check No. 3921	
Wages	50.00		
Less: Social Sec.	.75		
	<u>\$ 49.25</u>		
		Paid by Check No. 3922	

<u>For period ending</u>	<u>Total Amount</u>	<u>Total Wheel Tax</u>	<u>Total PL&PD</u>
Dec. 18, 1952	\$546.58	\$15.75	\$7.22
Less: Wheel Tax	15.75		
PL&PD	7.22		
Wages	50.00		
Social Sec.	.75		
Compensation	.97		
	<u>\$471.89</u>		
		Paid by Check No. 3958	
Wages	50.00		
Less: Social Sec.	.75		
	<u>\$ 49.25</u>		
		Paid by Check No. 3959	

The net amount paid Mr. Lee, exclusive of the amount paid as wages, for the period October 1, 1952 to December 18, 1952, was \$3,472.33. Checking the tickets for the period ending December 3, 1952, we find 11 tickets reported, the total loaded miles being 1170 miles, as shown on these tickets at 24 cents per mile, which is the figure shown in the lease agreement. Mr. Lee should have received \$280.80 instead of the \$479.29 net, paid by check 3921. However, the gross figure of \$565.91 shown for this period represents the total freight charges shown on the bills of lading, and the amount earned by Mr. Lee without regard to the miles his equipment moved empty, loaded or a combination of both.

2. It is alleged that respondent violated Rule 16 of the above cited Rules and Regulations by permitting others to operate under PUC-370, PUC-370-I, PUC-474, and PUC-474-I.

Said Rule 16 reads as follows:

"No common carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these rules, under his or its certificate, without first having obtained the consent of the Commission in writing. Any common carrier permitting any person, firm, or corporation to operate vehicles under his or its permit, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user."

The records and files of the Commission show that the facts shown in connection with the violation of Rule 14 fully indicate that lessors of equipment were paid on volume of business handled and conclusive evidence that the lessor was being permitted to operate under Mr. Richardson's cer-

tificate independent of the certificate-holder and without the consent of the Commission.

3. It is alleged that respondent violated Rule 34 of the above cited Rules and Regulations by charging, demanding and receiving a greater or less, or different compensation for the transportation of commodities and shipments than the rates, charges and classifications for such transportation and by charging, demanding and receiving a greater or less or different compensation for service than the rates and charges applicable to such transportation as specified in his schedule of rates on file with this Commission.

Said Rule 34 reads as follows:

- "(a) No motor vehicle carrier shall charge, demand, collect or receive a greater, or less, or different compensation for the transportation of any commodity or shipment than the rates, charges, classifications, exceptions, rules and regulations, prescribed by the Commission for the transportation of any such commodity or shipment, which said rates, charges, classification, exceptions, rules and regulations shall be published in the manner and form prescribed by law and the orders of the Commission.
- "(b) No motor vehicle carrier shall charge, demand, collect or receive a greater, or less, or different compensation for any service rendered, or to be rendered, than the rates and charges applicable to such transportation service as specified in its schedules on file and in effect at the time, nor shall any such motor vehicle carrier refund or remit, directly or indirectly in any manner or by any device, any portion of the rates 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, 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 motor vehicle carrier.
- "(c) No motor vehicle carrier shall, directly or indirectly, issue, give, tender or honor any free ticket or free pass for passengers between points within the State of Colorado, except as provided by law.
- "(d) No motor vehicle carrier in sightseeing operations shall give free transportation service from a railroad, bus, or airline depot to a hotel, rooming house, or private residence, or vice versa, when offered in connection with a sightseeing trip or trips; provided, however, that the application of this rule shall not

apply to sightseeing operators in the Colorado Springs area if said operators shall, in their tariffs, make provision for and set forth any and all free transportation service which they desire to render from railroad, bus or air line depots to hotels, rooming houses or private residences, or vice versa, when offered in connection with sightseeing trip or trips."

The records and files of the Commission show that the "Rate Check Sheets" for the months of October, November and December 1952, reflect undercharges in the amount of \$597.38 and overcharges of \$231.33. These undercharges and overcharges represent only 125 out of a total of 302 freight bills checked.

During the month of October 1952, carrier reports handling 31 shipments of baled hay, applying rates varying from \$3.00 to \$14.00 per ton. 21 of these shipments moved from Fowler, Colorado to Guffey, Colorado, 100 miles, and all moved at a rate of \$7.50 per ton with a total revenue of \$1,766.76. The correct rate for this distance is 23 cents per 100 pounds with a total revenue of \$1,083.62, thereby creating overcharge on these particular shipments of \$683.14. The carrier does not have published a rate on a per ton basis.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof, by reference.

That said L. L. Richardson and L. L. Richardson, doing business as "Red Richardson," Pueblo, Colorado, in the operation of PUC No. 370 and PUC No. 370-I and in the operation of PUC No. 474 and PUC No. 474-I, has violated Rules 14, 16 and 34 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, Effective January 1, 1951, in the particulars set forth in the above and foregoing Statement, and that PUC No. 370 and PUC No. 370-I and PUC No. 474 and PUC No. 474-I should be cancelled and revoked; provided, however, in lieu of said revocation, respondent may, if he so desires, pay to the Commission, for the use of the State of Colorado, the sum of \$100.00 as a penalty.

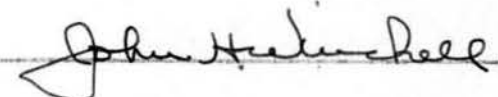
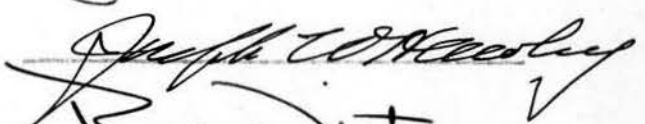
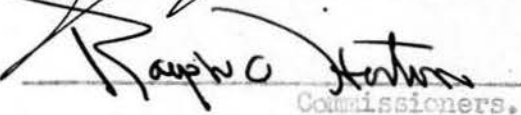
ORDER

THE COMMISSION ORDERS:

That PUC No. 370, PUC No. 370-I, PUC No. 474 and PUC No. 474-I be, and the same are hereby, revoked and cancelled; provided, however, that, in lieu of said revocation, respondent may, if he so desires, pay to the Commission, on or before November 15, 1953, for the use of the State of Colorado, the sum of \$100.00.

That this Order shall become effective twenty-one days from date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
RAYMOND LUCERO, 2045 WEST 12TH }
AVENUE, DENVER, COLORADO, FOR AUTH- }
ORITY TO EXTEND OPERATIONS UNDER }
PERMIT NO. B-3227. }
-----}

APPLICATION NO. 12567-PP-Extension

November 2, 1953

S T A T E M E N T

By the Commission:

By the above-styled application, Raymond Lucero, Denver, Colorado, seeks authority to extend operations under Permit No. B-3227 to include the right to transport sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 29, 1953, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to all parties in interest.

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

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 applicant's proposed extended service would 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 authority sought should be granted.


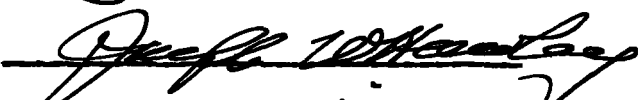
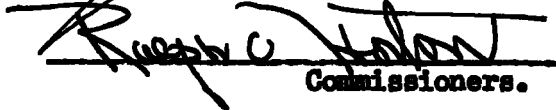
O R D E R

THE COMMISSION ORDERS:

That Raymond Lucero, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3227 to include the right to transport sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
C. C. WEST, GENERAL DELIVERY, INDIAN)	
HILLS, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 12572-PP</u>
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

November 2, 1953

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on October 29, 1953, 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.

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 used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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 authority sought should be granted, said permit to bear the number "B-3377," being the number of a permit formerly held by applicant.

O R D E R

THE COMMISSION ORDERS:

That C. C. West, Indian Hills, 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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

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

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

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

That operating rights herein granted shall bear the number "B-3377."

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. ...
...
Ralph C. ...
Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) BOB GRAHAM, BOX 19, WHEATRIDGE,) COLORADO, FOR A CLASS "B" PERMIT) TO OPERATE AS A PRIVATE CARRIER BY) MOTOR VEHICLE FOR HIRE.) -----)	<u>APPLICATION NO. 12565-PP</u>
--	---------------------------------

November 2, 1953

Appearances: Bob Graham, Wheatridge,
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 used in the construction of the roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver and to Wheatridge, 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 29, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is the owner of a 1952 two-ton Chevrolet Dump Truck; that he is, at the present time, operating under a letter of temporary authority issued by this Commission;

that he has had twenty-two years experience in trucking operations; that his net worth is \$3,500; that he has oral agreements with Northwestern Engineering Company and Western Paving Company to employ his services, if the authority herein sought is granted.

No one appeared to protest the granting of the instant application.

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

It did not appear that applicant's proposed operation will tend to impair the efficiency of any motor vehicle 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 authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Bob Graham, Wheatridge, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver and to Wheatridge, 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winkler
Joseph D. Hawley
Robert C. Horton
Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ARCHIE J. ANDERSON, 3385 WEST 63RD
AVENUE, DENVER, COLORADO, FOR A
CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE
FOR HIRE.

APPLICATION NO. 12562-PP

November 3, 1953

Appearances: Archie J. Anderson, 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, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, and to Denver, Colorado, and points within a radius of five miles of the Denver City Limits, and to Greeley, 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 29, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has had twelve years experience in the operation of trucks; that he is the owner of a two-ton

1953 Chevrolet Dump Truck; that his net worth is approximately \$2,800.00; that he is presently operating under a letter of temporary authority from the Commission; that he has an oral agreement with Clayton Coal Company, Denver, Colorado, to employ his services, in the event the instant application is granted.

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

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

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

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 Archie J. Anderson, Denver, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, and to Denver, Colorado, and points within a radius of five miles of the Denver City Limits, and to Greeley, Colorado.

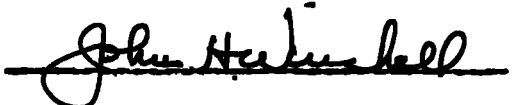
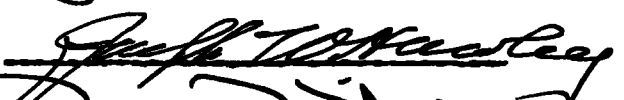
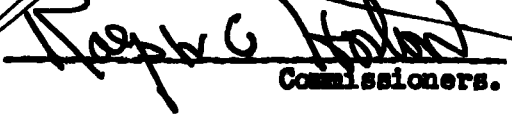
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GILBERT ARELLANO, 921 ZUNI STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 12563-PP

November 3, 1953

Appearances: Gilbert Arellano, 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, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, 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 the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 29, 1953, at ten o'clock A. M., and, at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, applicant testified that he has had seven years experience in truck operation; that he is the owner of a 1949 G.M.C. two-ton dump truck; that he is presently operating under a letter of temporary authority from this Commission; that his net worth is approximately \$3,500.00; that he has an oral agreement with J. H. and N. M. Monaghan and

Associates to employ his services if the authority herein sought is granted.

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 applicant's proposed service will tend to impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

FINDINGS

THE COMMISSION FINDS:

That the instant application should be granted.

ORDER

THE COMMISSION ORDERS:

That Gilbert Arellano, 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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, 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 regula-

lations of the Commission.

That this order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinkley
Joseph T. McCarley
Raymond C. Johnson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN J. BOSCHERT, 2100 SOUTH DAYTON)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 12564-PP

November 3, 1953

Appearances: John J. Boschert, 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, and other road-surfacing materials used in the construction of roads, from pits and supply points within a radius of one hundred and fifty miles of Denver, Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, all jobs to be within a radius of one hundred and fifty miles of Denver, Colorado, and to exclude 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 the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 29, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is, at the present time, operating under a letter of temporary authority from the Commission; that he has had three years experience in the operation of trucks; that he is the owner of a 1946 two-ton Chevrolet Dump Truck; that his net worth is approximately \$12,000.00.

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 applicant's proposed service will tend to impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

FINDINGS

THE COMMISSION FINDS:

That permit should issue.

ORDER

THE COMMISSION ORDERS:

That John J. Boshert, Denver, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads, from pits and supply points within a radius of one hundred and fifty miles of Denver, Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties, all service to be within a radius of one hundred and fifty miles of Denver, Colorado.

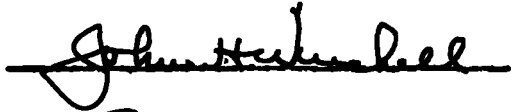

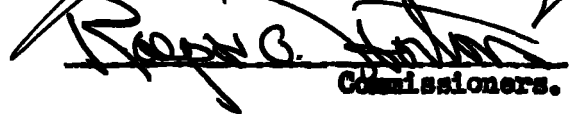
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

That this Order shall become effective twenty-one days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EVERETT L. HAUBOLD AND FRANK J.)
HAUBOLD, 4870 BEACH COURT, DENVER,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 12566-PP

November 3, 1953

Appearances: Gold and Stormo, Esqs., Denver,
Colorado, by
Howard M. Schermerhorn, Esq.,
Denver, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay between points within a radius of one hundred and fifty 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 29, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Everett L. Haubold testified that he had had two years experience in truck operations; that his net worth was \$4,000.

Frank J. Haubold testified that he had thirteen years trucking experience; that his net worth was approximately \$20,000; that applicants own a 1949 Chevrolet Truck, with sixteen-foot bed; that they have an oral agreement with Anderson and Harrington Coal Company, and Blender Brothers, to employ their services if the authority herein sought is granted.

George W. Egerer, Accountant for Anderson and Harrington Coal Company, testified in support of the application, stating that his company

needed applicants' service; that it could not get common carriers to render adequate service for it at the time needed; that no common carrier service would be impaired by the granting of the authority sought.

M. F. Blender testified in support of the application, stating that he is engaged in the hay-baling business, rendering custom service; that he needs the services of applicants; that many times in the past he has been unable to get hay hauled in time to prevent loss because of rainy weather; that the granting of the authority sought would not take business from certificated common carriers.

No one appeared in opposition to the granting of the instant application.

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

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

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 Everett L. Haubold and Frank J. Haubold, co-partners, Denver, Colorado, should be, and they are hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay between points within a radius of one hundred and 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 applicants have filed a statement of their 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 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

John H. McInnis
Joseph T. McInnis
Roger C. Johnson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ARTHUR L. PITTMAN, 55 CLARKSON
STREET, DENVER, COLORADO, FOR A
CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE
FOR HIRE.

APPLICATION NO. 12568-PP

November 3, 1953

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 29, 1953, at ten o'clock A. M., at which time and place the Commission's attention was directed to a communication received that date from applicant herein, as follows:

"Please dismiss the application of Arthur L. Pittman and transfer the cash deposit to the C-application."

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed, at request of applicant.

O R D E R

THE COMMISSION ORDERS:

That Application No. 12568-PP should be, and the same hereby is, dismissed, as requested by Arthur L. Pittman, Denver, Colorado, applicant herein.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. H. H. H.
John H. H. H. H.
John H. H. H. H.
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. J. SNYDER, 861 SOUTH NEWTON)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 12570-PP

November 3, 1953

Appearances: H. J. Snyder, 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, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, 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 Kumer-Empson Plants and Great Western Sugar Company Plants 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 the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 29, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has had five years experience in trucking operations; that he is presently operating under a

letter of temporary authority issued by this Commission; that he is the owner of a 1952 F-8 Ford truck, with eight-yard dump body; that his net worth is approximately \$17,000; that he has oral agreements with Lowdermilk Brothers and C. L. Hubner Company to employ his services, if the authority herein sought is granted.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue.

O R D E R

THE COMMISSION ORDERS:

That H. J. Snyder, Denver, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, 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 Kumer-Empson Plants and Great Western Sugar Company Plants located within a radius of fifty miles of Denver, Colorado.

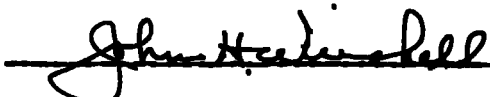
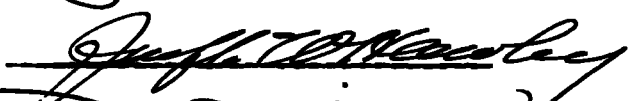
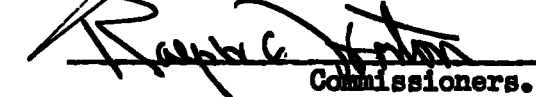
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



 Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
CHARLES V. PRATT, 1024 DECATUR }
STREET, DENVER, COLORADO, FOR A }
CLASS "B" PERMIT TO OPERATE AS A }
PRIVATE CARRIER BY MOTOR VEHICLE }
FOR HIRE. }

APPLICATION NO. 12569-PP

November 3, 1953

Appearances: Charles V. Pratt, 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, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, to Great Western Sugar Company and Kumer-Hapson Company Plants within a radius of fifty miles of Denver, and to Denver, Colorado and points within a radius of five miles of the City Limits of the City and County 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 29, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has had eighteen

years trucking experience; that his net worth is approximately \$1,500.00; that he is presently operating under a letter of temporary authority issued by the Commission; that he is the owner of a 1950 International three-ton dump truck; that he has oral agreements with Northwestern Construction Company, Morr Sand and Gravel Company, and Western Paving Company, all of Denver, Colorado, to employ his services if the authority herein sought is granted.

No one appeared in opposition to granting of the instant application.

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

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

FINDINGS

THE COMMISSION FINDS:

That authority sought should be granted.

ORDER

THE COMMISSION ORDERS:

That Charles V. Pratt, Denver, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, to Great Western Sugar Company and Kumer-Tapson Company Plants within a radius of fifty miles of Denver, and to Denver, Colorado, and to points within a radius of five miles of the City Limits of Denver, Colorado.

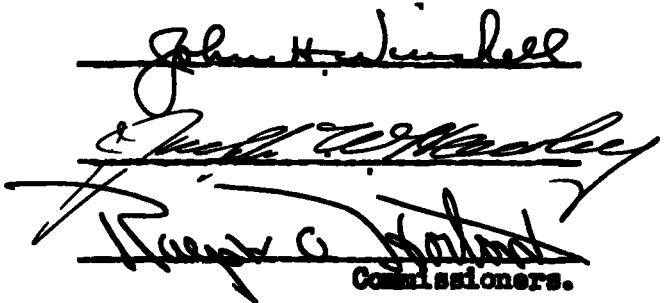
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARVEY M. TIMMERMAN, HUDSON, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 12571-PP

November 3, 1953

Appearances: Harvey M. Timmerman, Hudson,
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 used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; sugar beet samples between points within a radius of fifty miles of Hudson, Colorado, for Great Western Sugar Company, only.

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 29, 1953, 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 he has had ten years trucking experience; that his net worth is approximately \$12,000; that at the present time he is operating under a letter of temporary authority issued by this Commission; that he is the owner of a 1948 Ford Truck, with

grain dump body and a 1948 Studebaker Truck, with grain dump body; that the service he is rendering for the Great Western Sugar Company is a specialized service, which is not available to that company from any common carrier.

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

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

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted, permit, when issued, to bear the number "B-3945," being the number of a permit formerly held by applicant.

O R D E R

THE COMMISSION ORDERS:

That Harvey M. Timmerman, Hudson, 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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; sugar beet samples between points within a radius of fifty miles of Hudson, Colorado, for Great Western Sugar Company, 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 operating rights herein granted shall bear the number "B-3945."

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winkler
Joseph T. Winkler
Ralph C. Winkler
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ALEX WOJTACHA, ROUTE 2, BOX 320,)	
ARVADA, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 12573-PP</u>
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

November 3, 1953

Appearances: Alex Wojtacha, Arvada, 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 baled hay and straw between points within a radius of one hundred fifty miles of Arvada, Colorado; peat moss from peat beds within a radius of one hundred fifty miles of Arvada, Colorado, to Denver, Colorado, and to points within a radius of fifteen 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 29, 1953, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is presently operating under a letter of temporary authority issued by this Commission; that he is the owner of a 1948 Ford two-ton truck, with grain and beet box; that his net worth is approximately \$2,000; that he has had five years experience in trucking operations; that he has oral agreements with Anderson and Harrington Coal Company, Denver, Colorado, Alcott Coal and Ice Company, Denver, Colorado, and McCoy and Jensen Nursery, Morrison, Colorado, to employ his services, in the event the instant application is granted.

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

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

It did not appear that applicant's proposed service will tend to 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 authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Alex Wojtacha, Arvada, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay and straw between points within a radius of one hundred and fifty miles of Arvada, Colorado; peat moss from peat beds within a radius of one hundred and fifty miles of Arvada, Colorado, to Denver, Colorado, and to points within a radius of fifteen 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Wheeler

Joseph J. Keenley

Ralph C. Foster
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) ROBERT A. YAGER, 3227 SOUTH SANTA) FE DRIVE., DENVER, COLORADO, FOR A) CLASS "B" PERMIT TO OPERATE AS A) PRIVATE CARRIER BY MOTOR VEHICLE) FOR HIRE.) -----)	<u>APPLICATION NO. 12574-PP</u>
--	---------------------------------

November 3, 1953

Appearances: Robert A. Yager, 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, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, to Great Western Sugar Company and Kumer-Empson Company Plants within a radius of fifty miles of Denver, and to Denver, Colorado, and points within a radius of five miles of the City Limits 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 29, 1953, 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 he is the owner of a Ford 1942 two-ton dump truck; that he has had thirteen years experience in trucking operations; that his net worth is approximately \$2,000.00; that he is at the present time, operating under a letter of temporary authority issued by this Commission; that he has oral contracts with Northwestern Construction Company, Denver, Colorado, Norr Sand and Gravel Company, Denver, Colorado, and Western Paving Company, Denver, Colorado, Peter Kiewit Sons Company, and F. & S. Construction Company, to employ his services, in the event the instant application is granted.

No one appeared to protest the granting of the authority sought.

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

It did not appear that applicant's proposed service will tend to 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 authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Robert A. Yager, Denver, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company, located near Boulder, Colorado, to Great Western Sugar Company and Kumer-Empson Company Plants within a radius of fifty miles of Denver, and to Denver, Colorado and points within a radius of five miles of the City Limits of Denver, Colorado.

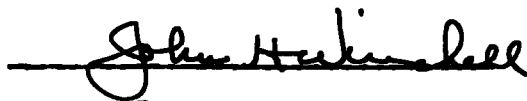
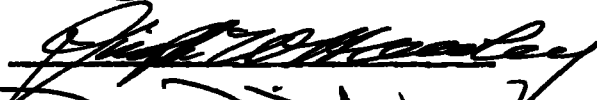

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 the 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




Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ADOLPH A. BETHKE, DOING BUSINESS AS
"BETHKE TRUCK LINE," GILCREST, COLO-
RADO, FOR A CERTIFICATE OF CONVEN-
IENCE AND NECESSITY TO OPERATE TRUCK
SERVICE ON SCHEDULE BETWEEN DENVER,
COLORADO, AND WELLINGTON, NUNN, AND
STERLING, COLORADO, AND INTERMEDIATE
POINTS.

APPLICATION NO. 12646

November 3, 1953

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission on April 2, 1940, and, since said date and up to October 1, 1953, no request was received from the applicant or his successor in interest for hearing on said application and no action taken relative thereto.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed because of laches on the part of the applicant in prosecuting the same.

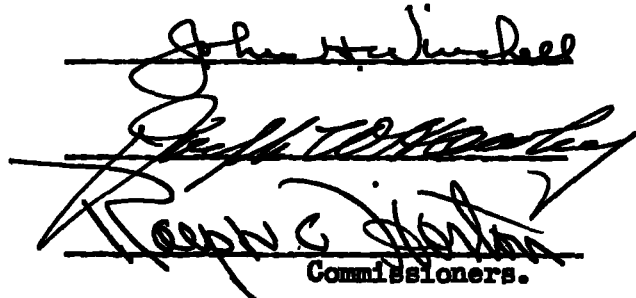
O R D E R

THE COMMISSION ORDERS:

That said application be, and the same is hereby dismissed.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
EARL R. NICHOLS, 1821 SOUTH)	<u>PERMIT NO. B-3858</u>
LINCOLN STREET, DENVER, COLORADO.)	<u>CASE NO. 66965-INS.</u>
-----)	

November 3, 1953

S T A T E M E N T

By the Commission:

By order entered by the Commission on October 22, 1953, in Case No. 66965-Ins., Permit No. B-3858 was revoked for failure of respondent to keep effective insurance on file with the Commission.

It now appears that said respondent was not familiar with Commission procedure, and allowed his insurance to lapse.

Respondent now has effective insurance on file with the Commission, without lapse, and requests that Permit No. B-3858 be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered in Case No. 66965-Ins., under date of October 22, 1953, should be, and the same hereby is, vacated, set aside, and held for naught, Permit No. B-3858 being hereby reinstated, as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchel
Philip W. McCreary
Raymond J. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAT EICHER, DOING BUSINESS AS)
"EICHER FLOOR COVERING COMPANY,")
1707 PEARL STREET, BOULDER,)
COLORADO.)
-----)

PERMIT NO. C-24441
CASE NO. 67080-INS.

November 3, 1953

S T A T E M E N T

By the Commission:

On October 22, 1953, in Case No. 67080, the Commission entered its order, revoking Permit No. C-24441, for failure of respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made,

F I N D I N G S

THE COMMISSION FINDS:

That said order of revocation should be set aside.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-24441 should be, and the same hereby is, reinstated, as of October 22, 1953, revocation order entered in Case No. 67080-Ins. on said date being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Wines

Ralph C. Johnson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RAILWAY EXPRESS AGENCY, INC., DEN-
VER UNION TERMINAL, DENVER, COLO-
RADO, FOR AUTHORITY TO CLOSE ITS
OFFICES AT PLACERVILLE (SAN MIGUEL
COUNTY), RICO (DOLORES COUNTY),
DOLORES (MONTEZUMA COUNTY), MANCOS
(MONTEZUMA COUNTY), AND CORTEZ
(MONTEZUMA COUNTY), COLORADO.

APPLICATION NO. 11561
SUPPLEMENTAL ORDER

November 3, 1953.

Appearances: Charles H. Haines, Jr., Esq.,
Denver, Colorado, for ap-
plicant;
Daniel Milenski, Esq., Cortez,
Colorado, for City of
Cortez, Colorado, and
Diamond Match Company;
James B. Garrison, Esq.,
Cortez, Colorado, for
Board of County Commissioners
of Montezuma County, Colo-
rado.

S T A T E M E N T

By the Commission:

By Decision No. 39966, of date January 9, 1953, the Commission issued certificate of public convenience and necessity, permitting the closing of the Railway Express Agency Offices at Placerville, Rico, Dolores, Mancos, and Cortez, Colorado.

By Decision No. 40012, of date January 27, 1953, Motions for Rehearing filed by Mrs. Elizabeth E. Pellett and Chamber of Commerce of Cortez, Colorado, were granted, and, after due notice to all parties in interest, said rehearing was held before the Commission at the Court House, Cortez, Colorado, April 22, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At said rehearing, counsel for Railway Express Agency, Inc. moved that the rehearing be confined to the abandonment of service by

the Agency in Cortez, Colorado, to which motion the protestants offered no objection. Therefore, the motion was granted.

Mr. Haines, counsel for applicant, made an opening statement, setting forth the position of the Railway Express Agency.

W. B. Hart, of Salt Lake City, Utah, testified in support of the application, stating that he has been the Division Supervisor of Railway Express Agency since May 10, 1918. He identified and offered in evidence the Express Operations Agreement between the member railroads and the Railway Express Agency. He stated that the Agency is a non-profit organization; that after the costs of operation have been deducted from the revenues received, the excess is pro-rated among the member railroads on the basis of car-foot miles. He identified and offered in evidence Exhibit No. 2, being a rough sketch, not to scale, showing the agencies which were served by The Rio Grande Southern Railroad Company. He identified and offered in evidence Exhibit No. 3, a copy of the Order of Abandonment of Rio Grande Southern Railroad Company, issued by the Interstate Commerce Commission, April 8, 1952. He identified and offered in evidence Exhibit No. 4, a copy of Decision No. 21446, of date October 11, 1943, of The Public Utilities Commission of the State of Colorado, which order authorized The Rio Grande Southern Railroad Company, Cass M. Herrington, Receiver, to include transportation by motor vehicle, of:

"freight and express to and from the intermediate point of Cortez in its present service between Durango and Dolores, and that operations under Certificate No. 1132 may be extended in accordance herewith; provided, however, that the right herein granted shall extend only for the duration of the present war and a period of six months thereafter, and provided further that said right shall become null and void if and when operations of Rio Grande Southern Railroad Company upon the rails shall be discontinued."

The witness testified that the station at Cortez was operated by The Rio Grande Southern Railroad Company, and not by the Railway Express Agency; that the agent, Mr. Doerges, was employed by The Rio Grande Southern Railroad Company, and not by the Railway Express Agency, and was paid by The Rio Grande Southern Railroad Company; that the Railway Express

Agency had never applied for nor received a certificate of public convenience and necessity from The Public Utilities Commission of the State of Colorado to operate an agency at Cortez, Colorado. He identified and offered in evidence Exhibit No. 5, a copy of the agreement between The Rio Grande Southern Railroad Company and Mr. R. F. Doerges, under which contract Mr. Doerges acted as Agent for The Rio Grande Southern Railroad Company in the handling of express delivered by The Rio Grande Southern Railroad Company to Cortez, Colorado. Exhibit No. 6 was offered in evidence, being identified by witness as a contract between The Rio Grande Southern Railroad Company and Mr. Doerges, by which Mr. Doerges was to receive eighty-five per cent of all commissions paid to The Rio Grande Southern Railroad Company.

Witness stated that after January 1, 1952, the Agency paid direct to Mr. Doerges ten per cent on rail express shipments, and five per cent on air express shipments; that he acted as a merchant agent; that the Rio Grande Motor Way declined to transport express from Durango to Cortez under the terms of the rail-express agreement, but required the first-class rate for forty-eight miles of \$1.06 per cwt., with \$1.06 minimum per shipment; that the "pro-rate" for a corresponding distance under the rail-express agreement would be 46¢ per cwt.; that it cost the Railway Express Agency more money to supervise a merchant agent than an agency operated by a railroad agent, since railroad agents are instructed in the interpretation of tariffs and the Railroad Auditors audit the express agency accounts where joint agencies are maintained; that it was necessary for an Agency Supervisor to visit a merchant agency two to three times more often per year than where a joint agency was maintained; that it was expensive to change agents, since it required extra supervision to break in the new agent; that Mr. Doerges had been an excellent agent; that he had had previous rail experience.

Witness stated that when the United States District Court ordered the Receiver of The Rio Grande Southern Railroad Company to discontinue all service -- both by rail and motor carrier -- the Railway Express Agency continued service to Cortez from Durango at the request of The Public Utilities Commission, in accordance with a letter written by its Chief

Engineer, J. M. McMulty, December 31, 1951; that the express shipments were transported from Durango to Cortez by Rio Grande Motor Way; that the use of Rio Grande Motor Way is unsatisfactory, for the reason that the charges for transportation by Rio Grande make it economically unsound for the Agency to continue the service; that there are many exceptions to commodities which will be handled by Motor Way, in comparison to the few exceptions to express shipments; that there is no limitation on valuation of shipments by express, but there is a limitation on shipments by Motor Way; that Motor Way refuses to continue the signature service, which is an essential part of adequate express service; that Exhibits Nos. 11, 12, 13, and 14, which he identified and offered in evidence, indicated by the volume of business and revenue of in-bound and out-bound express shipments at the Cortez Agency, that it was not economically sound to continue the maintenance of the Agency; that Rio Grande Motor Way service from Denver to Durango is twenty-four hours faster than the Railway Express Agency service; that consignees in Cortez could leave standing instructions with the Express Agency at Cortez to deliver express shipments consigned to them to the Rio Grande Motor Way at Durango, for delivery to Cortez, and would thus not be inconvenienced; that the same trucks and the same crews would be handling the express shipments from Durango to Cortez under that arrangement as are now handling the Railway Express shipments to the Agency in Cortez; that the loss to Railway Express Agency in the operation of the Cortez Agency cannot be exactly ascertained, but that the difference between \$1.06 and 46¢ would represent a loss in excess of the average system losses; that the system loss was approximately seventy million dollars per year; that the Agency provides no local pick-up and delivery service in Cortez; that the local merchant provides a local drayage service; that Motor Way provides a pick-up and delivery service in Cortez.

In opposition to the granting of the application, Dewey Brown, of Cortez, testified that he is a newspaper publisher, publishing the Montezuma Valley Journal; that in his business he used a plastic inflammable material, of which he received ten-pound shipments at a time approximately once a month, valued at from \$70 to \$140, which he received by Express,

as the post office would not accept these shipments; that abandonment of the service would be a decided disadvantage to his business.

Herrick Carr, of Mancos, Colorado, Manager of the Diamond Match Company Factory, testified that he uses the Cortez Express service occasionally; that his business requires the continuance of the service; that he could drive to Cortez in twenty minutes, but that it would take him forty-five minutes to drive to Durango; that freight shipments delivered by Motor Way are usually taken to Cortez, then back to Mancos, and that he receives them at four o'clock P. M., instead of ten o'clock A. M.; that he does his banking at Cortez.

Albert Mallett, Mancos, Colorado, testified that he is the Mayor of Mancos; that he operates a Chevrolet Agency; that he receives parts from Denver from Chevrolet Parts Distributor, and from the Chevrolet Assembly Plants, located in other cities; that he banks in Cortez, as most businessmen in Mancos do; that the road to Durango was bad, and urged the continuance of the service.

William J. Masterson, Cortez, Colorado, testified that he is Party Chief for the Century Geophysical Corporation Field Party; that his company uses to Express Service to ship logs, etc.; that the cartons weigh approximately one hundred fifty pounds, and have a valuation of five thousand dollars; that their in-coming shipments came mostly from Tulsa; that there were sixteen men in his Field Party; that their instruments were shipped to Tulsa for repair; that they needed the Express Service.

Val Kruse, of Cortez, Colorado, testified in protest that the Express Service was prompt and efficient; that he had a hobby of radio repairing, and Express was the only satisfactory method of shipment; that Parcel Post was not satisfactory.

Wayne Denny, Cortez, Colorado, testified in protest that he is Manager and Owner of Denny and Jones Buick and International Truck Agency; that he uses the R.E.A. extensively; that that service was most sure and dependable; that most of his shipments come from Denver; that some come from Flint, Michigan, Kansas City, Missouri, and International Harvester Plants in other cities; that he has twenty-four employees in

Cortez and seven in Dove Creek; that he made frequent use of Air Express, and some use of Air Freight, but that the service was not satisfactory.

Ted Chino, Cortez, Colorado, testified in protest, stating that he works in the Style Center Dry Goods Store, owned by his father; that they use R.E.A. Service twice a month; that Parcel Post would be limited to forty-pound maximum shipments next July in second-class post offices, which would hamper their use of Parcel Post; that their shipments came from Denver, Dallas, Texas, and cities in Connecticut; that they maintained a five-day hat service for their customers; that one of their suppliers required return merchandise to be shipped by Railway Express Service; that Rio Grande Motor Way service was not satisfactory; that they have a standing order with some of their suppliers to use R.E.A.; that one of their Denver suppliers insists on Express for their shipments; that they will not use Rio Grande Motor Way -- no matter what the cost or service.

Mrs. Elizabeth Pellett, Representative in the Legislature from the Cortez area, testified in protest to the abandonment of the Express Service, stating that it was an essential service, and necessary to Cortez as an actively growing community.

R. N. Usher, Cortez, Colorado, testified he is President of the Citizens State Bank of Cortez; that he has lived there for fourteen years; that there were eight hundred people in the community when he came there; that there are presently four thousand people in the community; that he uses the Railway Express Service ten to twenty times a year as an individual, and more often in behalf of his bank; that abandonment of the service would retard the growth of the community.

At the conclusion of the taking of testimony, twenty days were granted for the filing of a brief by the applicant, and an additional twenty days for the filing of a reply brief by protestants.

On October 13, 1953, the following stipulation was filed as a part of the record:

"It is stipulated and agreed by and between the applicant, Railway Express Agency, Inc., and protestants by their respective attorneys as follows:

"1. Denny and Jones, a motor equipment and repair agency at Cortez, Colorado, is a substantial user of air freight service. Its use of air express is not regular and averages only two or three express shipments a month.

"2. The testimony of Mr. Wayne Denny of the firm of Denny and Jones indicating a current or substantial use of air express was inadvertently in error."

The Commission is fully aware of the need of a growing community such as Cortez for adequate transportation service, but there was testimony -- some of it contradictory -- which indicated the availability to the citizens of Cortez of an adequate -- and, in many cases, faster -- motor freight service from their logical jobbing centers than the service which is now available to them by Railway Express Agency.

On May 18, 1953, the applicant filed a very comprehensive and well-prepared brief in support of its position. The Commission has very carefully reviewed this brief.

Due to the tragic and untimely death of James B. Garrison, no answering brief was filed by the Board of County Commission.

On October 7, 1953, Dan Milenski notified the Commission that the Town of Cortez had decided not to file a brief, since it felt that the Commission was fully aware of all the problems, and that no good purpose would be served by filing a written brief.

A careful review of the evidence adduced at the hearing discloses that the Railway Express Agency never made application to this Commission for a certificate of public convenience and necessity to render express service to the Town of Cortez, but that the application was made by Rio Grande Southern Railroad Company, as indicated by Application No. 3958-BBB, Decision No. 21446, of date October 11, 1943, from which Order we quote:

"In view of the withdrawal of said protests and of the further fact that certain operating agreements have been made among common carriers serving between Durango and Dolores, with Cortez as an intermediate point, it would appear in the public interest, and the Commission so finds, that applicant should be granted the authority sought for the duration of the war, subject to the restriction contained in applicant's original certificate that same becomes null and void if and when operations of Rio Grande Southern Railroad may cease.

"O R D E R

"IT IS ORDERED:

"That the public convenience and necessity require the proposed extended motor vehicle operations of the Rio Grande Southern Railroad Company, Cass M. Herrington, Receiver, to include the transportation by motor vehicle of freight and express to and from the intermediate point of Cortez in its present service between Durango and Dolores, and that operations under Certificate No. 1132 may be extended in accordance herewith; provided, however, that the right herein granted shall extend only for the duration of the present war and a period of six months thereafter, and provided further than said right shall become null and void if and when operations of Rio Grande Southern Railroad Company upon the rails shall be discontinued."

The evidence further discloses that Railway Express Agency made no effort to arrange independently for an Express Agent at Cortez, but paid all express commissions directly to the Receiver of Rio Grande Southern Railroad Company,

In accordance with the Order supra, when the United States District Court authorized the Receiver of the Rio Grande Southern Railroad Company to discontinue all operations -- both by rail and motor truck -- Railway Express Agency applied to the Commission for authority to discontinue the express service which it was rendering to the Town of Cortez, Colorado.

At the request of the Commission, through its Engineer, J. M. McNulty, the Railway Express Agency agreed to continue the service until such time as the matter could be set for hearing.

It does not seem reasonable to hold that compliance with the Commission's request should, in any way, obligate the Railway Express Agency to a certificate of public convenience and necessity which it did not desire or apply for.

F I N D I N G S

THE COMMISSION FINDS:

In accordance with the foregoing Statement, which by reference is made a part of these Findings, that Railway Express Agency did not apply for, or receive, a certificate of public convenience and necessity from this Commission to render express service to the Town of Cortez, Colorado.

That Railway Express Agency is under no duty or obligation to continue the unprofitable operation of an Express Agency at Cortez, Colorado.

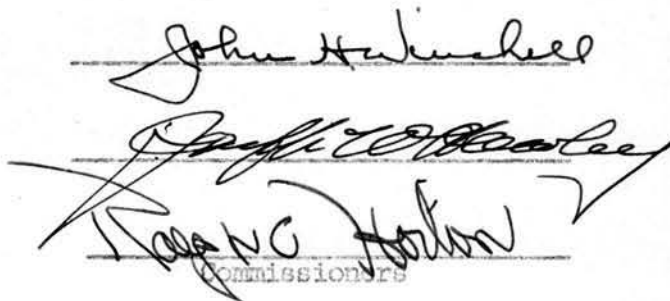
O R D E R

THE COMMISSION ORDERS:

That Railway Express Agency be, and it hereby is, authorized to discontinue the maintenance of an Express Agency at Cortez, Colorado.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1953.

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

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD GARCIA, CENTER, COLORADO.)

PERMIT NO. C-30366

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Edward Garcia

requesting that Permit No. C-30366 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-30366, heretofore issued to _____

Edward Garcia _____ **be,**

and the same is hereby, declared cancelled effective October 10, 1953.

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

John H. Linchell
Joseph E. Hargrave
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

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

RE MOTOR VEHICLE OPERATIONS OF)
CARL F. SCHREINER, 104 SO. DEUEL, FT.)
MORGAN, COLORADO.)

PERMIT NO. G-30518

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Carl F. Schreiner

requesting that Permit No. C-30518 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-30518, heretofore issued to _____

Carl F. Schreiner be,

and the same is hereby, declared cancelled effective **October 28, 1953.**

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

~~Johns H. Lincoln~~
~~Joseph W. Hargrave~~
~~Ralph C. Hargrave~~
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
P. T. PINELL, 16 EAST LAS VEGAS ST.,)
COLORADO SPRINGS, COLORADO.)
)
)
)
-----)

PERMIT NO. C-11697

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

P. T. Pinell

requesting that Permit No. C-11697 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-11697, heretofore issued to _____

P. T. Pinell be,

and the same is hereby, declared cancelled effective November 2, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph Z. H. H. H.
Ray C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.
mls

PERMIT NO. C-3418

STATEMENT

Norman Duffy

FINDINGS

That the request should be granted.

ORDER

Norman Duffy

be,

John H. Lincoln
Joseph W. Hawley
Joseph C. Norton
Commissioners

this 6th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
REX T. JACKSON & OTTO W. SCHERZER,)
DOING BUSINESS AS "SCHERZER & JACK-)
SON," ROUTE 2, DEL NORTE, COLORADO.)
-----)

PERMIT NO. C-31169

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Rex T. Jackson & Otto W. Scherzer, dba "Scherzer & Jackson"
requesting that Permit No. C-31169 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31169, heretofore issued to _____
Rex T. Jackson & Otto W. Scherzer, dba "Scherzer & Jackson" be,
and the same is hereby, declared cancelled effective October 28, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchey
Raymond C. Hinchey
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.
mls

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

RE MOTOR VEHICLE OPERATIONS OF)
C. M. HANSEN, 1104 MAPLE, FT.)
COLLINS, COLORADO.)

PERMIT NO. C-31398

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

C. M. Hansen

requesting that Permit No. C-31398 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31398, heretofore issued to _____

C. M. Hansen be,

and the same is hereby, declared cancelled effective October 28, 1953.

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

John H. Winchell
Ralph C. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
OSCAR L. READ, EVERGREE, COLORADO.)

PERMIT NO. C-31407

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Oscar L. Read

requesting that Permit No. C-31407 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31407, heretofore issued to _____

Oscar L. Read be,

and the same is hereby, declared cancelled effective October 19, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SAMMIE T. ADAMS, % SAN LUIS)
INSURANCE & REAL ESTATE AGENCY,)
SAN LUIS, COLORADO.) PERMIT NO. C-31495
_____)

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
_____ Sammie T. Adams _____
requesting that Permit No. C-31495 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31495, heretofore issued to _____
_____ Sammie T. Adams _____ be,
and the same is hereby, declared cancelled effective October 28, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
John H. Winchell
Joseph W. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 195 3.
mls

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

RE MOTOR VEHICLE OPERATIONS OF)
MOSES G. TORREZ, 2720 COLUMBINE,)
DENVER 5, COLORADO.)

PERMIT NO. C-30349

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Moses G. Torres

requesting that Permit No. C-30349 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: :

That Permit No. C-30349, heretofore issued to _____

Noses G. Torres be,

and the same is hereby, declared cancelled effective **October 28, 1953.**

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

John H. Linchell
Joseph W. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL R. NICHOLS, 1821 SOUTH)
LINCOLN STREET, DENVER, COLO-) PERMIT NO. B-3858
RADO.)
-----)

November 4, 1953

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-3858 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 Earl R. Nichols be, and he is hereby, authorized to suspend his operations under Permit No. B-3858 until February 28, 1954.

That unless said Earl R. Nichols 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

John H. Lincoln
Thos. C. H. H. H.
Thos. C. H. H.
Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1953.

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

RE MOTOR VEHICLE OPERATIONS OF)
OLIVER EARNshaw, 610 DEUEL STREET,)
FT. MORGAN, COLORADO.)

PERMIT NO. C-29941

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Oliver Earnshaw

requesting that Permit No. C-29941 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29941, heretofore issued to _____

Oliver Earnshaw be,

and the same is hereby, declared cancelled effective October 23, 1953.

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

John H. Winchell
Joseph W. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November , 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
COLORADO THERMOSEAL COMPANY, 1944)
BROADWAY, DENVER 2, COLORADO.)
_____))
_____)

PERMIT NO. C-24556

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Colorado Thermoseal Company

requesting that Permit No. C-24556 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-24556, heretofore issued to _____

Colorado Thermoseal Company be,

and the same is hereby, declared cancelled effective October 21, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell

Joseph W. Hawley

Ralph C. Horton

Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

als

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. B. TOMLIN, EXETER, CALIFORNIA.)

PERMIT NO. C-26257

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

E. B. Tomlin

requesting that Permit No. C-26257 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-26257, heretofore issued to _____

E. B. Tomlin be,

and the same is hereby, declared cancelled effective October 28, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hineshell
Joseph C. Hineshell
Joseph C. Hineshell
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

als

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

RE MOTOR VEHICLE OPERATIONS OF)
MIDWEST MOTOR CO., LTD., 3RD AND)
DOUGLAS, O'NEILL, NEBRASKA.)

PERMIT NO. C-27550

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Midwest Motor Co., Ltd.

requesting that Permit No. C-27550 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. **C-27550** , heretofore issued to

Midwest Motor Co., Ltd.

be,

and the same is hereby, declared cancelled effective October 28, 1953.

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

Robert H. Winchell
Joseph W. Hawley
Joseph C. Norton
Commissioners

Dated at Denver, Colorado,

this 6th day of November , 1953.

218

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. K. McCARTER & B. L. SANDERS, JR.,)
DOING BUSINESS AS "McCARTER GRAIN)
CO.," KERENS, TEXAS.)
-----)

PERMIT NO. C-28183

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

J. K. McCarter & B. L. Sanders, Jr., dba "McCarter Grain Co."

requesting that Permit No. C-28183 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28183, heretofore issued to _____

J. K. McCarter & B. L. Sanders, Jr., dba "McCarter Grain Co." be,

and the same is hereby, declared cancelled effective October 28, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchey
Philip C. Hinchey
Philip C. Hinchey
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.
als

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. LEON HARPER & P. E. BRACKEEN,)
DOING BUSINESS AS "P. E. BRACKEEN)
GRAIN CO.," 511 N. HIGH, BRADY,)
TEXAS.)
-----)

PERMIT NO. C-27820

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

W. Leon Harper & P. E. Brackeen, dba "P. E. Brackeen Grain Co."

requesting that Permit No. C-27820 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27820, heretofore issued to _____

W. Leon Harper & P. E. Brackeen, dba "P. E. Brackeen Grain Co." be,

and the same is hereby, declared cancelled effective May 14, 1952.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Joseph C. Hinchell
Ralph C. Hinchell
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.
als

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

RE MOTOR VEHICLE OPERATIONS OF)
LESTER HOLLEY, 132 S. CASCADE,)
COLORADO SPRINGS, COLORADO.)

PERMIT NO. C-28217

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Lester Holley

requesting that Permit No. C-28217 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28217, heretofore issued to _____

Lester Holley be,

and the same is hereby, declared cancelled effective October 28, 1953.

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

John H. Linchell
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

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

RE MOTOR VEHICLE OPERATIONS OF)
HOMER DIXON, BOX 147, BRIGHTON,)
COLORADO.)

PERMIT NO. C-28694

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Homer Dixon

requesting that Permit No. C-28694 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: :

That Permit No. C-28694, heretofore issued to _____

Homer Dixon

be,

and the same is hereby, declared cancelled effective October 28, 1953.

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

John H. Winchell
 Ralph C. Hecox
 Ralph C. Hecox
 Commissioners

Dated at Denver, Colorado,

this 6th day of November , 1953.

218

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MASONRY BUILDERS CO., INC., & MR.)
PAUL THOMPSON, 710 SO. PROSPECT ST.,)
COLORADO SPRINGS, COLORADO.)
-----)

PERMIT NO. C-27432

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Masonry Builders Co., Inc.

requesting that Permit No. C-27432 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27432, heretofore issued to _____

Masonry Builders Co., Inc. be,

and the same is hereby, declared cancelled effective June 14, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Marshall
Philip W. Hecox
Ralph C. Horton

Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
N. J. KNICKERBOCKER, K. L. ERICKSON)
& EDWARD C. BAER, DOING BUSINESS AS)
"KNICKERBOCKER MINING CO.," BOX 5,)
RICO, COLORADO.)

PERMIT NO. C-29522

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from N. J. Knickerbocker,
K. L. Erickson & Edward C. Baer, dba "Knickerbocker Mining Co."
requesting that Permit No. C-29522 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29522, heretofore issued to N. J. Knickerbocker,
K. L. Erickson & Edward C. Baer, dba "Knickerbocker Mining Co." be,
and the same is hereby, declared cancelled effective September 30, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Linchell
Joseph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 195
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
CLAYTON COOPER, 6409 RALSTON,
ARVADA, COLORADO. /

PERMIT NO. B-3516

November 6, 1953

S T A T E M E N T

By the Commission:

On February 20, 1953, the Commission authorized Clayton Cooper, Arvada, Colorado, to suspend operations under his Permit No. B-3516 until September 1, 1953.

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-3516 should be, and the same hereby is, reinstated as of October 27, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Ralph C. Horton
Ralph C. Horton
Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
JOHN L. GRAVES, BOX 233, FT.)
LUPTON, COLORADO.)

PERMIT NO. C-1402

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

John L. Graves

requesting that Permit No. C-1402 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-1402, heretofore issued to _____

John L. Graves be,

and the same is hereby, declared cancelled effective November 2, 1953.

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

John H. Lincoln
Joseph W. Rogers
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November , 1953.

nlg

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
REX D. MONTAGUE & C. L. HAMPTON,)
DOING BUSINESS AS "ROCKY MOUNTAIN)
GAS CO.," P. O. BOX 216, DEL NORTE,)
COLORADO.)
-----)

PERMIT NO. C-29422

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Rex D. Montague & C. L. Hampton, dba "Rocky Mountain Gas Co."

requesting that Permit No. C-29422 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C029422, heretofore issued to _____

Rex D. Montague & C. L. Hampton, dba "Rocky Mountain Gas Co." be,

and the same is hereby, declared cancelled effective October 24, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Joseph W. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD W. WARREN, JR., DOING BUSINESS
AS "WARREN DISTRIBUTING CO.," 828)
SOUTH 7TH STREET, GRAND JUNCTION,)
COLORADO.)
-----)

PERMIT NO. C-27264

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Richard W. Warren, Jr., dba "Warren Distributing Co."

requesting that Permit No. C-27264 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27264, heretofore issued to _____

Richard W. Warren, Jr., dba "Warren Distributing Co." be,

and the same is hereby, declared cancelled effective October 28, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph W. Hines
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
WESTERN SHELL FISH CO., INC., P. O.)
BOX 1646, BROWNSVILLE, TEXAS.)

PERMIT NO. C-29840

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Western Shell Fish Co., Inc.

requesting that Permit No. C-29840 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29840, heretofore issued to _____

Western Shell Fish Co., Inc. be,

and the same is hereby, declared cancelled effective October 4, 1953.

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

John H. Vinshell
Ralph C. Horner
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

219

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

RE MOTOR VEHICLE OPERATIONS OF)
BERNARDO G. ELIZONDO, 1020 CROCKETT)
STREET, HOUSTON, TEXAS.)

PERMIT NO. C-25548

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Bernardo G. Elizondo

requesting that Permit No. C-25548 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-25548, heretofore issued to _____

Bernardo G. Elizondo be,

and the same is hereby, declared cancelled effective September 27, 1953.

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

John Heilmann
Ralph C. Hawley
Ralph C. Horlond
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
WAYNE F. LANHAM, 416 21ST, DENVER)
5, COLORADO.)

PERMIT NO. C-24902

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Wayne F. Lanham

requesting that Permit No. C-24902 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS: i

That Permit No. C-24902 , heretofore issued to

Wayne F. Lanham

be,

and the same is hereby, declared cancelled effective October 7, 1953.

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

John H. Lincoln
 Ralph C. Hoxton
 Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

nls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
R. L. COOTS, DOING BUSINESS AS)
"NORTHEAST TIRE & SUPPLY CO.," P. O.)
BOX 1168, STERLING, COLORADO.)
-----)

PERMIT NO. C-343

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

R. L. Coots, dba "Northeast Tire & Supply Co."

requesting that Permit No. C-343 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-343, heretofore issued to _____

R. L. Coots, dba "Northeast Tire & Supply Co." be,

and the same is hereby, declared cancelled effective October 19, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Ralph C. Heston
Ralph C. Heston
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT GONZALES, 3042 DOWNING STREET,)
DENVER 16, COLORADO.)
)
)
)
-----)

PERMIT NO. C-20182

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Robert Gonzales

requesting that Permit No. C-20182 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-20182, heretofore issued to _____

Robert Gonzales be,

and the same is hereby, declared cancelled effective September 15, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph W. Hawley
Ralph C. Hord
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

als

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

RE MOTOR VEHICLE OPERATIONS OF)
EARL D. WASHBURN, 2030 SO. LOWELL)
BOULEVARD, DENVER 10, COLORADO.)

PERMIT NO. B-4629

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Earl D. Washburn

requesting that Permit No. B-4629 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4629 , heretofore issued to _____

Earl D. Washburn _____ **be,**

and the same is hereby, declared cancelled effective October 28, 1953.

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

John H. Lincoln
Joseph W. Hawley
Joseph C. Norcross
Commissioners

Dated at Denver, Colorado,

this 6th day of November , 1953.

nlc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
AGNES GARRISON, BOX 206, BAILEY,)
COLORADO.)
)
)
)
-----)

PERMIT NO. B-4442

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Agnes Garrison

requesting that Permit No. B-4442 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4442, heretofore issued to _____

Agnes Garrison be,

and the same is hereby, declared cancelled effective October 24, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph W. Hawley
Ralph C. Gordon

Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

als

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

HOWARD SCHMIDT, ELLIS E. SCHMIDT,
GEORGE F. HELD, CARL J. ROWAN, JAKE
SCHREINER, L. A. HAGEMETER, C. M.
WILLIAMS, CLARENCE E. HELD, WARREN L.
SCHMIDT, WESLEY GRAUBERGER, ARLO
SONNENBERG, DELBERT SONNENBERG, DUFF
E. MOLLOHAN, H. H. SONNENBERG, WAYNE
A. DREIER, ED BOERNER, D. J. HARMAN,
CHARLES O. HARMAN, LEE M. ACOTT, NORRIS
C. COOL, BEN A. EHRLICH, W. C. KIRKWOOD,
L. W. BROWNELL, KENNETH E. WERTZ, JACK
HALL, CHARLES BLEDSOE, FRANK D. Mc-
DANIEL, TED H. YOUNT, ALBERT KINZIE,
ALBERT KINSIE, JR., CHARLES BOERNER,
R. E. GERARD, J. E. WINEMILLER, ORVILLE
HEATH, ALBERT MILES, by Nelda L. Miles,
WARREN M. WEST, KENNETH E. ROWLEY, by
Mrs. Kenneth Rowley, RUSSELL L. ROWAN,
R. LLOYD ROWAN, JOHN SWEETMAN, JR.,
E. R. MORRIS, R. L. SWEDLUND, OTTO
SWEDLUND, C. H. PECK, ROLAND NORRIS,
JOHN G. MORRISON, LESLIE L. SMITH,
FINNIS BROWN, C. L. GOFF, VERNON
HRADECKY, by Mrs. Vernon Hradecky,
EDD KOEHLER, LOREN DRIER, W. A. SONNEN-
BERG, GUS MARKS, DUANE GRAUBERGER, ROY
GRAUBERGER, PETER LOOS, ARCHIE FLOG,
LESLIE RICE, W. C. DECKER, ROSS Mc-
DANIEL, JESS SCHMIDT, ARTHUR SCHACHTERLE,
I. B. FUGATE, FRED FILLENBERG, L. M.
WIEBERS, F. F. SCHAEFER, REVIS MELVIN,
HARRY SHAW, CLYDE BLEDSOE, WM. L. BARKLEY,
CHARLES D. WARREN, E. R. GOFF, LLOYD
ATKINS, JULIUS NERUSMAN, DELBERT SWEDLUND,
E. S. WARDRIP, H. E. LOOS, HENRY KOEHLER,
JOHN BREKEL, FRANK HOEFLER, JOE LOUSBERG,
PAUL ETL, BEN SCHAEFER, VIC SCHAEFER,
LAWRENCE A. BREKEL, DAVID AMEN, LLOYD H.
DAVIS, PAUL M. McPHERRON, EUGENE BROWN,
L. H. BOLLINGER, NORRIS E. PYLE, FRANK
SCHEPLER, ELMER WIEBERS, RAY WILSON,
PAUL W. REDE, JACK MOLLOHAN, FLORENCE A.
SONNENBERG, PERRY MILES and PAUL LAMBERT,

Complainants,

v.

ALTON N. DUNBAR, Manager and Owner of
Fleming Telephone Exchange,

Defendant.

CASE NO. 5052

November 5, 1953

Appearances: Kresger & Sublett, Esqs., Sterling,
Colorado, for Complainants;
Frank L. Shallenberger, Esq.,
Sterling, Colorado, for Defendant;
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On April 6, 1953, a complaint signed by the above-named persons, was filed with the Commission, protesting, among other things, the type of service rendered by Mr. A. N. Dunbar, Manager and Owner of the Fleming Telephone Exchange, at Fleming, Colorado.

The matter was set for hearing, after due notice to interested parties, at the Court House in Sterling, Colorado, on August 12, 1953, at ten o'clock A. M., and said complaint was there heard by the Commission and taken under advisement.

The Fleming Telephone Exchange (hereinafter referred to as "Telephone Company"), has its main office in Fleming, Colorado, and serves said Town as well as the rural area contiguous thereto. The Telephone Company has been serving this area prior to and since World War I, and the present owner and his wife took over the operations in October, 1946. The Fleming Telephone Exchange is a trade name, as it is not incorporated as a company, but is jointly owned by Mr. and Mrs. Dunbar. The Telephone Company connects with The Mountain States Telephone and Telegraph Company through the Sterling Colorado Exchange, and as a result, patrons of the Telephone Company have access via The Mountain States Telephone and Telegraph Company to the toll facilities of the Bell System.

When the Dunbars took over in October 1946, the system had approximately 215 customers and about 80 to 90 miles of pole line of one wire grounded service. Since 1946, the system has been metallicized. The pole line miles are approximately the same and the Telephone Company now has about 225 customers. During the interval of the Dunbar ownership, there have been two storms of major proportion that have necessitated the

rebuilding of a considerable part of this system. In 1952, a storm occurred with winds up to 80 miles per hour, and as a result, very few poles were left standing in the rural areas on this system. There was a second storm in 1953 which, while not as severe as the 1952 storm, nevertheless again put many of the lines out of service and necessitated a great amount of work to restore the system.

Mr. Howard Schmidt, who was a subscriber of the Telephone Company from the Spring of 1950 until January 1952, testified at the hearing that he, together with his brother Ellis, helped to construct the pole line to their properties in order to obtain telephone service. The line they helped build was approximately $3\frac{1}{2}$ miles long, and they bought and paid for the poles for this line in the amount of \$192.00. They also helped dig the holes and set the poles, so that their total investment is something over and above the cash outlay for material. Mr. Dunbar, in turn, furnished the wire and the labor for installation, all in accordance with the tariff as published by the Telephone Company and filed with the Commission. This tariff reads as follows:

"The Exchange will invest for each new subscriber the sum of \$65.00 for construction, any additional cost to be contributed by the user, or users. The ownership at all times to rest with the Exchange."

After the construction of the above line, telephone service was rendered to the Schmidt brothers up until January 6, 1952, when Mr. Dunbar cut the telephone line, thereby disconnecting the service from that day until the present. During the period involved when the telephone line was connected, there were times when this line was out of service, particularly during the two major storms mentioned previously. After these storms, the Schmidt brothers did help to restore service on their line, since Mr. Dunbar does the bulk of the maintenance work on the whole system himself, and it takes considerable time to get all the lines back in service.

It appears from the testimony, that the Schmidt brothers are next door neighbors, and their homes are located approximately six miles south and five miles west of Fleming. They are the only two subscribers on the

3½ miles of line that they helped build to connect with the existing telephone line. The telephone line they helped construct is located adjacent to a county road, a portion of which is not maintained in the winter time by the county by snow removal. After a bad snowstorm, it is impossible to patrol this line in a car or jeep, since many times the snow drifts are too deep to allow passage, and at other times, after the snow has melted, the road is too muddy to use. If this line gets out of service when the road is impassable, it is a major problem to maintain, since it necessitates walking between one and two miles in snow drifts or mud. In times past, when these conditions have occurred, there has been a delay in restoring this line to service.

Mr. Howard Schmidt testified he has always paid his telephone bill, both for the exchange rate and for whatever toll charges he had for the particular billing period. It seems, however, that his brother Ellis had some difficulty with Mr. Dunbar in regard to a delinquent bill, and Mr. Dunbar cut the service off for non-payment of the bill, and as a result, the line was also out of service to Howard Schmidt. Exhibits were introduced at the hearing, showing that Mr. Howard Schmidt did pay one particular bill approximately two weeks after it had been presented. Other exhibits, however, showed that his brother Ellis made payment on a bill for the period of August 1, 1952 through January 1, 1953, on January 5, 1953. Also, in paying his bill, Ellis deducted 56¢ from said bill, being his adjustment for "no service rendered" from the period November 25 to December 2, because of an outage on his telephone line. Aside from the fact that the telephone bills for exchange service are billed monthly in advance, the particular bill paid by Ellis on January 5 was delinquent for the months of August through December. The fact that Ellis deducted the 56¢ without prior authorization from Mr. Dunbar, caused considerable ill feeling. In times past, there have been adjustments on some of Ellis' bills when the lines have been out of service and Mr. Dunbar was unable to restore service in a reasonable time, but the adjustments were cleared with Mr. Dunbar

in advance. On this particular bill, however, Mr. Ellis Schmidt made the adjustment without consulting Mr. Dunbar in advance. Apparently, about the time that this bill was paid, Mr. Dunbar met the Schmidt brothers while he happened to be out in the field working on one of the telephone lines, and at that time there was a discussion in regard to the delinquent bill, the deduction for the outage, and the telephone service in general. At this meeting, Mr. Dunbar said he would cut the line because of the delinquent bill, and, apparently, Howard Schmidt, in the course of the conversation told Mr. Dunbar that if he felt that way about it he might as well cut him off also. The date of this meeting, as near as can be determined, was January 6, and the cancelled check in payment for Ellis' telephone bill, less the 56¢ deduction, shows that it was cancelled by the bank on the same date. After the line had been cut by Mr. Dunbar, neither of the Schmidt brothers applied to him to reconnect the service, but contacted the Public Utilities Commission in regard to this matter. Subsequently, the brothers circulated a petition and obtained about 100 signatures, and this is the petition that brought this matter to a formal hearing before the Commission.

As a matter of general policy, the Commission believes that once a telephone company initiates service to a customer, there is an obligation on the part of the Company to furnish this service as long as the customer abides by the rules and regulations of the Company as filed with the Commission. In the instant matter, Mr. Dunbar and the Schmidt brothers apparently reached an agreement in regard to service, and this service was inaugurated. Under the tariff as filed with the Commission by the Telephone Company and as quoted heretofore, the Company has stated its position in regard to a line extension. This policy states that as to that portion of the material and labor contributed by the customer, it will become the property of the Company at such time the service is started. This is the normal policy followed by most telephone companies, and also the general policy for electric companies and, in the interests of future

maintenance and replacement, the Commission believes that the policy is correct. However, the evidence presented to the Commission at this hearing, and it was uncontradicted, was to the effect that the Schmidt brothers not only bought and helped place the poles, but they retained the ownership. In view of the stated policy of the Telephone Company, we have to infer that in this case this policy was waived, and this particular line was constructed on different terms and was in the nature of an individual contract, apparently verbal, between the Schmidt brothers and Mr. Dunbar. In view of this circumstance, we feel it only fair to all concerned that having claimed continuous ownership, the Schmidt brothers must be responsible for their own property. While they did help maintain this line in times past when the poles were down, they felt that this was not an obligation on their part but rendering a favor to Mr. Dunbar. In order to clarify this situation at this time, we believe that the maintenance of poles themselves should rest with the Schmidt brothers and the maintenance of wires with Mr. Dunbar. Until such time as another and different agreement is made, in writing, we believe that this is the only fair solution to this problem. To require Mr. Dunbar to maintain these poles over a road that is impassable during the period of time when it is most needed, would be to work a hardship upon him that is not commensurate with the money he receives for this service. While Mr. Howard Schmidt apparently has not been delinquent in the payment of his telephone bills, the evidence clearly shows that Mr. Ellis Schmidt has been.

The Telephone Company herein has certain responsibilities to its customers, but the customers also have certain obligations in regard to the Company, and in all fairness, both have to live up to their respective commitments. If all the customers of this Telephone Company were to let their bills go unpaid for several months at a time, we seriously doubt that Mr. Dunbar could carry on this business. In fact, testimony at the hearing was to the effect that if it were not for several of the customers paying

as much as one year in advance, Mr. Dunbar would not be able to meet his current obligations. It must be remembered that for all toll service with The Mountain States Telephone and Telegraph Company, Mr. Dunbar is billed monthly and must pay these bills if he is to keep his connection with Mountain States.

It is unfortunate that this line to serve the Schmidt brothers was constructed along a county road that is not maintained in the winter time. The testimony at the hearing was conflicting as to why this particular site was selected. If better service is to be provided on this line, we would suggest that the Schmidt Brothers and Mr. Dunbar endeavor to re-negotiate a new contract that would eliminate the necessity of having to use this location for service. This latter idea is only a suggestion and the Commission does not intend to order that this be done, since there would be additional money, materials and labor involved in such a relocation, both on the part of the customers and the Company.

Several other customers testified at the hearing in regard to their particular complaints and as to the overall service rendered by the Telephone Company. The record herein shows that there are times when some of the customers are unable to reach the Fleming office; that some of the customers are unable to hear clearly, particularly on windy days; that there are times when the lines have a considerable hum on them making it difficult to hear, both locally and on long distance; that at times, particularly on long distance calls, the telephone operator has to repeat the message which leads to confusion and a longer period of time than would normally be necessary to transmit the message; and that there are delays in restoring service when the telephone lines are down.

In a Telephone Company such as this, where the husband maintains the outside lines and his wife helps run the switchboard, the complaints filed herein are not unique. We do not infer by this that the Commission condones poor telephone service, but there are certain mitigating factors to be considered in this type of operation.

The filed tariff of the Company states that:

"Central office exchange open from 6 o'clock A. M.
until 9 o'clock P. M. on week days, 7 o'clock A. M.
until 9 o'clock P. M. on Sundays.

"Night bell in operation on all lines from 9 o'clock
P. M. until 6 o'clock A. M.

"Not responsible for night calls after 9 o'clock P. M.
in case of failure of bell to ring due to accidents
to lines or switchboard.

"Night calls after 9 o'clock P. M. to be used only
on business of extreme importance."

In filing this tariff, the Company holds itself out to provide
the best service it can under its stated policy. In paying the rates
for telephone service, subscribers naturally expect that service, and
the Commission, in allowing said rates, takes into consideration this
factor of service.

At the hearing, many of the protestants said they would be
willing to pay \$5.00 to \$6.00 a month to obtain better service, so they
no doubt realize that in order to get such service it will require a
higher charge. The present rate on rural service is \$1.75 for subscribers
within a six-mile radius of Fleming when the subscriber owns his own phone,
and \$2.25 within the first six miles if the Company owns the phone. There
is an additional charge of 50¢ for each additional six miles, or fraction
thereof, on all rural service party lines. The vast majority of this
Company's rural subscribers live within a twelve-mile radius of Fleming
and hence would pay either \$2.75 or \$2.25 a month where the Company owns
the phone. This is approximately one-half the rate several of the cus-
tomers stated they would be willing to pay for better service.

Some of the complaints at the hearing were about the number of
subscribers on a single line. Listed below are certain of the lines, to-
gether with the number of customers thereon:

<u>Line No.</u>	<u>Customers</u>
80	23
83	10
21	10
31	15
85	9 or 10

Line 80 is 19½ miles long without taking into account the branch lines on section line roads that branch off from the main line. In checking the length of the rural lines listed against the number of customers served on them, the overall average is approximately one customer per mile. Testimony at the hearing was to the effect that to construct a new line at the present time would cost between \$200.00 and \$225.00 per mile. If a new line or lines have to be constructed in order to relieve the over loaded lines, it will readily be seen that considerable capital investment will be required. Mr. Dunbar has been and is endeavoring to improve his lines, and work has been completed on a new line 6½ miles in length south from Fleming connecting with Mountain States. The line extending west from Fleming has been rebuilt for approximately two miles, and it is Mr. Dunbar's intention to finish rebuilding it on the main trunk line west, serving Lines 21, 80, and 83. As time and money permit, he also plans to continue his rebuilding program on the other lines.

There was testimony at the hearing in regard to the inability of the New Haven School to get a connection with the Telephone Company. Apparently, the school board, when they first contacted Mr. Dunbar, were reluctant to take the service because of the rates involved. However, it seems that an agreement has now been reached with the school board, and the school will be connected this fall.

Mr. R. Grauberger testified that he had telephone service in early 1947, but had his phone removed in the fall of 1947. This was about the time of the change-over from a grounded to a metallic system. There seems to be a difference of opinion as to why Mr. Grauberger did not continue this service, but the fact is, he is not now being served. His residence is located one-quarter mile from the nearest telephone line. He can obtain service by making application to the Company and abiding by its rules in regard to extension of telephone lines and service, the same as the existing customers. If there are any other customers not now being served who are in the territory for service of the Telephone Company, and who desire telephone service, they may obtain it by applying to the Telephone Company. If any line construction

is necessary to render this service, the policy now on file with the Commission heretofore referred to, will govern. It should be understood by the present customers and any new customers, that the monthly telephone bills for exchange service are payable in advance, and the toll charges which are billed subsequently to the usage, are due and payable at the time the bill is rendered for same. It is a general rule of the Commission that no customer can be cut off from service for any reason other than an emergency without being first notified in writing at least 48 hours prior to the disconnect, with the reasons for the cut-off being explicitly stated in the notice.

In the future, having in mind the present complaint, we will have members of the Commission's staff keep in touch with this Company to see what progress is being made in rehabilitating the telephone lines, all in the interest of better service. The door of the Commission is always open for both the customer and the Company at any time to petition the Commission in regard to any matter that cannot be resolved between themselves.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be made a part of these Findings, by reference.

That in times past there have been occasions when the service rendered by the Fleming Telephone Exchange was inadequate.

That the owners of the telephone exchange are cognizant of the inadequacies and should endeavor to remedy the situation.

That Howard and Ellis Schmidt were cut off from telephone service by Mr. Dunbar on, or about, January 6, 1953.

That telephone service to the Schmidt brothers should be restored under the conditions to be set forth in the Order following.

That the Fleming Telephone Exchange should be ordered to supply telephone service to any former, or prospective customer residing in the area of service, who makes proper application for said service.

O R D E R

THE COMMISSION ORDERS:

That telephone service be restored by the Fleming Telephone Exchange to Mr. Howard Schmidt and Mr. Ellis Schmidt, under the terms and conditions set forth herein:

(1) That before service can be restored to the Schmidt brothers, it will be necessary for them to reset the telephone poles that they own that are now out of service.

(2) That as soon as the telephone poles owned by the Schmidt brothers are reset, Mr. Dunbar shall proceed immediately (weather permitting) to reconnect the wires so that telephone service to said brothers be restored.

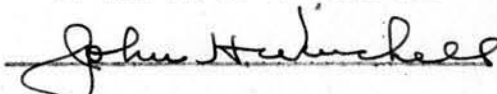
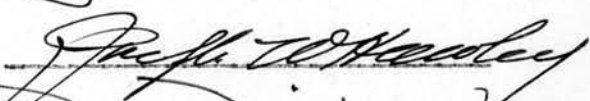
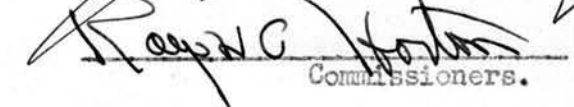
(3) That future maintenance of the $3\frac{1}{2}$ miles of line to the Schmidt brothers' residences be maintained by the Schmidt brothers as to the poles, and by Mr. Dunbar as to the wires.

That the Fleming Telephone Exchange be, and it hereby is, ordered to render telephone service to anyone within its service area upon proper application, under the terms and conditions of the rates, rules and regulations of said Company now or hereafter in effect and on file with the Public Utilities Commission.

That Case No. 5052 be, and it hereby is, closed.

That this Order shall become effective twenty-one days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN HEAVY HAULERS, INC., 810 N.)
SEVENTH STREET, STERLING, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 12575-PP-Transfer
B-953 TO F & W TRUCKING COMPANY, 2571)
SOUTH SHERMAN STREET, DENVER, COLORADO.)
-----)

November 5, 1953

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Transferee.

S T A T E M E N T

By the Commission:

By Decision No. 6523, of date June 26, 1935, Earl F. Siler,
doing business as "Siler Drilling Company," Denver, Colorado, was auth-
orized to operate as a Class "B" private carrier by motor vehicle for
hire for the transportation of:

heavy machinery, boilers, casings, and oil well
equipment, state wide,

said operating rights being designated "Permit No. B-953."

By Decision No. 31105, of date August 27, 1948, said permit-
holder was authorized to transfer Permit No. B-953 to C. G. Watson and
M. R. Watson, co-partners, doing business as "Watson Truck Line," Craig,
Colorado.

By Decision No. 34854, of date May 26, 1950, the operating rights
under Permit No. B-953 were transferred to M. R. Watson, doing business as
"Watson Truck Line," Craig, Colorado.

By Decision No. 36284, of date March 22, 1951, M. R. Watson, doing
business as "Watson Truck Line," Craig, Colorado, was authorized to transfer
all her right, title and interest in and to Permit No. B-953 to F. J. Fowkes
and W. L. Willcoxon, doing business as "F. & W. Trucking Company," Sterling,
Colorado.

By Decision No. 37102, of date July 19, 1951, E. J. Fowkes and W. L. Willcoxon, doing business as "F. & W. Trucking Co.," were authorized to transfer Permit No. B-953 to Moist & Craig Heavy Haulers, Inc., a Colorado corporation. The records show that, in the latter transaction, the purchase price of the permit, including 12 pieces of equipment, was \$62,000.00, with no indebtedness against the operation except a mortgage of Denver National Bank upon one pickup truck, which mortgage was assumed by transferees. The name of the transferee Company was changed on November 28, 1951, to "Western Heavy Haulers, Inc." and the change noted on our records.

By the instant application, filed August 25, 1953, F. & W. Trucking Co. seeks an order authorizing the transfer of said permit to applicant.

Said application, after appropriate notice to all parties in interest, was heard at 312 State Office Building, Denver, Colorado, October 26, 1953, 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 at the present time the balance of the purchase price unpaid on the contract of sale between F. & W. Trucking Co. and Moist & Craig Heavy Haulers, Inc. is approximately \$19,000.00. Subsequent to the transfer, Moist & Craig (Western Heavy Haulers, Inc.) was adjudged bankrupt. The State of Colorado filed a claim for unpaid ton-mile tax amounting to approximately \$4,061.00. The value of the permit was appraised at but \$2,500.00 in the bankruptcy proceedings, and the Referee in Bankruptcy has filed a Disclaimer of Title to the permit.

The purpose of the instant application, as cited by Mr. Lewis, is to obtain the re-transfer to F. & W. Trucking Co. of the permit because of the unpaid balance due on the agreed purchase price and to have fixed a reasonable amount to be paid by them in compromise of the unpaid ton-mile tax. In the contract of sale between F. & W. and Moist & Craig, it was provided that the latter should execute a chattel mortgage on the permit and certain equipment to secure the payment of the balance due, but the chattel mortgage was evidently never executed. It appears that the claim

of the State of Colorado was based upon an arbitrary assessment of the ton-mile tax as no reports were filed by Moist & Craig.

W. L. Willcoxon, a former partner of the F. & W. Trucking Co., testified that, after the transfer of the permit to Moist & Craig, his co-partner, E. J. Fowkes, and himself formed a new co-partnership, to be known as the "Tri-State Rig Company" and have been working in the oil fields of northeastern Colorado setting up and dismantling oil rigs; that they use trucks and trailers repossessed from Western Heavy Haulers, Inc.; that they have a number of companies which wish their services in hauling oil or equipment, and are willing and able to perform this service if the permit is transferred back to them.

Witness stated that the arbitrary tax of more than \$4,000.00 on delinquent ton-mile tax was entirely too high; that the certified accountant's report filed as Exhibit No. 1 showed that the ton-mile tax on their own transportation under the permit for five months was but \$382.99, or less than \$1,000.00 for a year; that the Western Heavy Haulers, Inc. operated less than a year and said arbitrary tax was unreasonable and unfair. However, he and his co-partner were willing to pay \$1,600.00 as a compromise on the ton-mile tax claim which the Western Heavy Haulers, Inc. had failed to pay; that since E. J. Fowkes and W. L. Willcoxon were equal partners in F. & W. Trucking Co. and are now equal co-partners in Tri-State Rig Company, they request that the permit be transferred to them as co-partners, doing business as "Tri-State Rig Company."

E. J. Fowkes verified the statements made by W. L. Willcoxon.

No one appeared in protest to the requested transfer.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be authorized, subject to outstanding indebtedness, if any, and to the conditions set forth in the following Order.

That the sum of \$1,600.00 is a reasonable amount to be paid by transferees in full settlement of the ton-mile tax referred to.

O R D E R

THE COMMISSION ORDERS:

That the authority covered by Private Carrier Permit No. B-953 should be, and is hereby, transferred to E. J. Fowkes and W. L. Willcoxon, co-partners, doing business as "Tri-State Rig Company." The right of transferees to operate under said permit shall be contingent on the filing by them of a consolidated delinquent ton-mile tax report and payment of the sum of \$1,600.00, in full settlement of the delinquent ton-mile tax.

This transfer shall be subject, however, to other 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 of consolidated delinquent reports covering the operation of Moist & Craig, and their own operations under said permit up to the time of transfer of said permit, and the payment by them or transferees the sum of \$1,600.00 in payment of all unpaid ton-mile tax.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Joseph C. Hawley
Ralph A. Horton
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE IN THE CLASSIFICATION)
RATINGS ON BURIAL CASES (CASKETS)
OR COFFINS) OR CASKET SHELLS, SET) Investigation and Suspension
UP, IN BOXES, ON COLORADO INTRA-) Docket No. 356
STATE TRAFFIC.)

November 3, 1953

S T A T E M E N T

By the Commission:

There has been filed with the Public Utilities Commission of the State of Colorado, by the American Trucking Associations, Inc., Agent, through the National Motor Freight Classification No. 12, issued by F. G. Freud, Issuing Officer, 1424 Sixteenth Street, Washington 6, D.C., supplements containing schedules stating new individual ratings to become effective on the 17th day of November, 1953, and December 1, 1953, designated as follows:

American Trucking Associations, Inc., Agent
Supplement No. 1 to National Motor Freight Classification No. 2, P.U.C. Colo. No. 3.
Items Nos. 18090-A, 18100-A, 18110-A, 18120-A, 18130-A, 18140-A, 18150-A, 18330-A and 18340-A. Issued October 12, 1953. Effective November 17, 1953. Also, Supplement No. 2 to National Motor Freight Classification No. 12, P.U.C., Colo. No. 3. Item No. 18090-B. Issued October 28, 1953. Effective December 1, 1953.

The said schedules make certain increases in the ratings and packing containers on wooden, steel and metal, other than steel Burial Cases (Caskets or Coffins), or Casket Shells, Set-Up, on Colorado intrastate traffic (as well as other traffic), whereby the rights, interests of the public may be injuriously affected.

F I N D I N G S

THE COMMISSION FINDS, That:

(1) - It should enter upon a hearing concerning the lawfulness of the ratings and packing requirements stated in the said items contained in the said supplements, numbers 1 and 2, supra.

(2) - The effective dates of said supplements should be postponed pending said hearing and decision thereon.

O R D E R

THE COMMISSION ORDERS, That:

(1) - This order shall become effective forthwith.

(2) - Upon complaint, without formal pleadings, it enter upon a hearing concerning the lawfulness of the ratings and packing requirements stated in schedules contained in supplements, viz:

American Trucking Associations, Inc., Agent, Supplement No. 1 to National Motor Freight Classification No. 12, P.U.C. Colo. No. 3, Items No. 18090-A, 18100-A, 18110-A, 18120-A, 18130-A, 18140-A, 18150-A, 18330-A and 18340-A, also Supplement No. 2, Item No. 18090-B.

(3) The operation of the said schedules contained in said supplements be suspended, and that the use of the ratings and packing requirements therein stated be deferred 120 days or until the 16th day of March, 1954, unless otherwise ordered by the Commission, and no change shall be made in such ratings and packing requirements during the said period of suspension.

(4) The ratings and packing requirements thereby sought to be altered, shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereon has expired.

(5) - A copy of this order be filed with the schedules in the office of the Commission and that copies hereof be forthwith served upon F. G. Freud, Issuing Officer, National Motor Freight Classification, American Trucking Associations, Inc., Agent, 1434 - Sixteenth Street, Washington 6, D.C.; E. F. Streib, Traffic Manager, Casket Manufacturers Association of America, 461 East McMillan Street, Cincinnati 6, Ohio.; Empire Casket Company, 1221 Wazee Street, Denver 4, Colorado; Globe Casket Manufacturing Company, 1315 - Twenty-Third Street, Denver 2, Colorado; and Law & Sons Casket Company, 1830 Platte Street, Denver 2, Colorado.

(6) - This proceeding be, and the same is, hereby assigned for hearing December 1, 1953, 10:00 o'clock A.M., in the hearing room of the Commission, 350 State Office Building, (Colfax Ave., and Sherman Street), Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winkler
Paul W. Kearley
Robert C. Holton
Commissioners

Dated at Denver, Colorado
this 3d day of November, 1953.

hs

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 TO WITHDRAW THE) APPLICATION NO. 12559
AGENCY AT TABERNASH, COLORADO.)

November 5, 1953

S T A T E M E N T

By the Commission:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies operating in the State of Colorado, The Denver & Rio Grande Western Railroad Company, by K. L. Moriarity its General Manager, did, on September 25, 1953, file its petition requesting authority to withdraw its agency station at Tabernash, Colorado, effective October 28, 1953.

Tabernash, Colorado, is approximately 4 miles northwesterly from Fraser and 10 miles southeasterly from Granby on applicant's main line between Denver and Grand Junction, Colorado. The above-mentioned towns are also located on and served by U. S. Highway No. 40, which is a paved all-weather transcontinental highway. The railroad company maintains a station and an agent in each of these towns.

Applicant states that practically all of the business handled at Tabernash concerns carload shipments. Less-than-carload shipments to and from Tabernash have been handled by substituted truck service, thereby providing store-door pickup and delivery. There are no milk and cream shipments originating at Tabernash. In the year of 1952, only two local passenger tickets were sold for a total ticket revenue of \$5.85. In the first six months of 1953, ticket revenue was \$5.19 for one local ticket sale.

Regarding carload shipments, it appears that, during the past three and one-half years, only three carload shipments were received at

Tabernash. Applicant proposes that the billing of outbound carloads from Tabernash can be handled by the agent at Fraser and, to avoid inconvenience to its shippers, the Railroad Company is willing to assume the expense of telephone charges from Tabernash to Fraser in connection with such business.

It is also shown that revenue from Western Union messages and Express business has been declining and that the services of an agent at Tabernash are not required for the safe operation of train service on the railroad.

Upon investigation by the Commission, it was found that, in the years of 1950, 1951, 1952 and six months of 1953, there were 272 carload shipments from Tabernash. Of these shipments, 265 carloads consisted of logs, poles and lumber, all consigned by the Broderick Wood Products Company. The remaining seven shipments were by four shippers.

For carload shipments, it is common railroad practice to handle routine billing operations at a station other than the point of origin or destination. In this instance, it appears that matters concerning car movements can be adequately handled by telephone with the Fraser station some four miles away.

The volume of other station business and station expense, is indicated as follows:

<u>Year</u>	<u>Freight Received</u>	<u>Passenger Ticket Sales</u>	<u>Western Union Messages</u>	<u>Railroad Express Agency</u>	<u>Total Expenses</u>
1950	\$ 70.67	\$198.83	\$14.50	\$ 352.48	\$3,866.21
1951	44.94	60.18	15.24	194.02	4,585.22
1952	45.08	5.85	2.41		4,666.72
1953 6 mos.	481.06	5.19	4.53		1,979.26

Again it appears that the express and telegraph business can be handled at either Fraser or Granby, depending upon convenience to the people in this area.

As a matter of public information, a notice of the proposed change of service was posted at the depot in Tabernash, Colorado, on September 28, 1953, wherein it was indicated that any protests to the proposed change

should be forwarded to the Commission.

No protests having been received from anyone regarding the withdrawal of this agency, 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 safe and economical railroad operation does not require the maintenance of the Tabernash Agency.

That public convenience and necessity in this area can be adequately served by other agency stations.

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 Denver & Rio Grande Western Railroad Company be, and it hereby is, authorized to withdraw its agency station at Tabernash, Grand County, Colorado, on notice to this Commission and the general public by not less than one day's filing and posting of new schedules in the manner prescribed in Section 16 of the Public Utilities Act of the State of Colorado.

That The Denver & Rio Grande Western Railroad Company shall assume the expense of telephone charges from Tabernash to Fraser in connection with the handling of outbound carload shipments from Tabernash, Colorado.

That reference shall be made to this decision in the tariff schedules showing the closing of said station, as authority for such action.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinkley
John C. Hinkley
Ralph C. Hinkley
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.
mls

Original

(Decision No. 43493)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN PERRY, DOING BUSINESS AS "M &)
M TRANSFER COMPANY," 1801 WEST 33RD)
AVENUE, DENVER, COLORADO, FOR AN)
EXTENSION OF PERMIT NO. B-4233.)

APPLICATION NO. 12580-PP-Extension

November 4, 1953.

Appearances: John Perry, Denver, Colorado,
pro se;
H. D. Hicks, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Harold D. Torgan, Esq., Denver,
Colorado, for Colorado
Transfer and Warehousemen's
Association;
Clarence Button, Esq., Denver,
Colorado, for Package
Delivery Service;
E. B. Evans, Esq., Denver, Colo-
rado, for Foster Truck Line,
Stewart Truck Line, Ed Tux-
horn, Rein Transport, Aurora
Moving and Storage Company,
and Harold Swens;
Clarence Werthan, Esq., Denver,
Colorado, and
Sam T. Howell, Englewood, Colo-
rado, for R. J. Bear Transfer
and Storage Company;
Mrs. Orville Jenkins, Westminster,
Colorado, for Arvada Transfer.

S T A T E M E N T

By the Commission:

John Perry, doing business as "M & M Transfer Company," Denver,
Colorado, is the owner of Private Carrier Permit No. B-4233, which
authorizes the transportation of:

gas and electrical appliances from Denver,
Colorado, to points within a radius of ten
miles thereof, for two customers, viz.:
Appliance Distributors, Inc., and Boyd
Distributing Company, both of Denver, with-
out the right to add to the number of cus-
tomers served without first having obtained
consent from this Commission so to do.

On September 3, 1953, said John Perry, doing business as "M & M Transfer Company," filed an application for an extension of Private Carrier Permit No. B-4233 to include the transportation of the same commodities as presently authorized, within the presently-authorized ten-mile radius of Denver, Colorado. This application is made for the elimination of the customer restriction as set forth in our Decision No. 35128, or as an alternative, the substitution of Savage & Sons for Appliance Distributors, Inc., and the following additional customers: Allied Appliances, Inc., Dahl-Conger, Inc., and Larson Distributors, all of Denver, Colorado.

After due notice to all parties in interest, the instant application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, October 30, 1953, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is presently operating six units in a delivery service, serving the City and County of Denver, and in addition, has two customers for whom he can serve beyond the City Limits. Applicant stated that he has other customers whom he serves in Denver who desire his extended service for delivery of electrical and gas appliances in Metropolitan Denver.

On cross-examination, applicant stated that at present the customers he desires to serve are making their own deliveries to points outside of the boundaries of Denver, and it is his desire to give his Denver customers a complete delivery service for gas and electrical appliances to the territory tributary and adjacent to Denver.

Jack Larson, of Larson Distributors, testified in support of the application, stating his firm is presently using applicant's service for deliveries in Denver, only. He stated his firm, on numerous occasions, has deliveries beyond the Denver City Limits, and that he has requested applicant's service to take care of these calls; that, due to the restricted authority of applicant, it has been necessary for his company to make deliveries to points outside of Denver in its own trucks, under a Commercial Carrier Permit from this Commission. The witness further stated that this service is not satisfactory, and in his opinion, they need the service of

applicant in their business to make deliveries -- both for crated and uncrated appliances to the territory lying beyond the Denver City Limits.

George W. Winters, of Allied Appliances, Inc., stated his company is presently using applicant's service in Denver, and they desire and need applicant's delivery service to points within a ten-mile radius of Denver; that at present they are making their own deliveries to these points and find same unsatisfactory.

On cross-examination, the witness stated that his company would be willing to pay rates twenty per cent higher for this extended service, and what they need is a specialized type of service which is presently offered by applicant in Denver to points outside of Denver.

John Conger, of Dahl-Conger, Inc., dealer in electrical and gas appliances, testified they used applicant's service for Denver deliveries, and find his service fits their needs; that they are here requesting the service to points beyond the Denver City Limits. He also stated on cross-examination that his firm would be willing to pay twenty per cent higher rates, if the Commission so orders.

John Buchholz, of Savage & Sons, wholesale appliance dealer in Denver, testified his firm needed applicant's proposed service, stating they needed a carrier to make deliveries to the ultimate consumer; that they had used applicant's service in Denver, and found it prompt and efficient.

R. W. Hewitt, General Manager of Foster Truck Line, testified his company operates a line-haul scheduled service to a large portion of the territory lying beyond the limits of the City and County of Denver. He contended that his company can give adequate service to take care of all the shipping needs to substantially all points in that area lying beyond the Denver City Limits, commonly referred to as "Metropolitan Denver." The witness was critical of some competitors making deliveries in Metropolitan Denver, and it appears from the record that, in the witness' judgment, they are operating unlawfully. He did not refer to any particular carrier. He stated his company, a year ago, had a 92% operating ratio, and that presently it was in excess of 95%. The witness felt that any other competition would make it more difficult for his company to operate, but

stated definitely, in answer to questions, that the granting of the instant application would not impair the service offered by his company.

Mrs. Orville Jenkins, of Arvada Transfer, who operates under PUC No. 247, in conjunction with her husband -- being a line-haul scheduled service to Arvada and Westminster -- vigorously protested the granting of any authority that would permit deliveries in the territory covered by her certificate, contending that the Arvada Transfer is presently taking care of this territory and is giving adequate service to all shippers.

In considering the above application, we feel that a brief statement is in order.

We have, in Colorado, two types of carriers for hire, viz., Common and Private. The applicant herein presently holds a Private Carrier Permit, and by this application, is asking for an extension to his Private Carrier Permit to allow him to add additional customers.

Section 3, Chapter 120, Session Laws of 1931, as amended, provides:

"No application for permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

In the instant matter, applicant is presently operating a delivery service for gas and electrical appliances for certain merchants in Denver, to customers in Denver. This service is, by its very nature, a specialized service. The carrier not only delivers the appliance, but in addition, he may also uncrate and place it in the house, and, in some instances, he may connect up the appliance -- especially if it is electrical -- and instruct the householder as to its operation.

In July, 1950, the Commission, by Decision No. 35128, authorized this applicant to give this service to two firms here in Denver, for deliveries to points outside of Denver within a ten-mile radius. Applicant now asks that he be permitted to substitute Savage & Sons, of Denver, for Appliance Distributors, Inc., and that he be permitted to

add the following additional customers: Allied Appliances, Inc., Dahl-Conger, Inc., and Larson Distributors, all of Denver, Colorado.

The evidence and record clearly indicate that applicant is a fit, able, and proper person, well qualified by experience and training, and with suitable equipment, to properly serve his prospective customers under a Class "B" Permit.

Officers, or officials of the companies desiring applicant's service testified before the Commission that they need applicant's service to efficiently carry on their business. They further stated they need applicant's service as it is available on short notice, and is dependable, and will adequately take care of their delivery problems. They also stated they would be willing to pay rates twenty per cent above the published rate for the reason that common carrier service (especially line-haul scheduled service) does not adequately take care of their needs, and they are willing to pay for a special and expedited service.

For some time, it has been apparent to the Commission that certain common carriers who regularly appear in opposition to the granting of applications for authority to operate as contract carriers (said permits under our Act being known as "Private Carrier Permit"), have thought it sufficient to show in opposition to granting the permit, that they are equipped to handle all business in the territory. They have apparently construed the words, "will impair the efficient public service of any authorized motor vehicle common carrier", to mean, "to diminish or deprive them of the possibility of increasing their income."

In our judgment, the possible gain in, or loss of, revenue by carriers, and adequacy of existing service, are not the sole questions involved. What we want to know is: "Will existing motor vehicle common carrier operations be so affected by the proposed new or extended operation that they will not be able to continue efficient service to the public?"

In the instant case, we cannot say that the existing motor vehicle common carrier service will be so affected. In other words, it appears to us that the Legislature, when providing for Private and Common Carriers, anticipated the situation we have here before us. The Legislature determined at that time that there was a type of business that Common Carriers could

not handle adequately, and provided that private concerns could contract with carriers to take care of this type of business, and especially so when it is of a specialized nature. In the instant case, applicant is confining himself in his application to four companies. There is nothing in the record that would indicate that protestant carriers would receive the business if this application is denied. The scheduled line-haul carriers are not taking care of this type of specialized business, and are forcing merchants to make their own deliveries, or hire private (contract) carriers who specialize in this type of service.

In conclusion, we feel that applicant has made sufficient showing for enlargement of his permit, and we cannot say from the record before us that any common carrier service will be impaired.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application for extension, as hereinafter restricted, should be granted, for the reasons heretofore set forth in our Statement, which, by reference, is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That John Perry, doing business as "M & M Transfer Company," Denver, Colorado, should be, and he hereby is, authorized to extend his operations under Private Carrier Permit No. B-4233 to include the addition of the following customers, viz.:

Applied Appliances, Inc.,
Dahl-Conger, Inc., and
Larson Distributors,

all of Denver, Colorado, and the substitution of Savage & Sons, of Denver, Colorado, for Appliance Distributors, Inc.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 4th day of November, 1953.

HW

John H. Hinchell
Joseph C. Hinchell
Ralph C. Hinchell
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
WALTER A. SMITH AND ROBERT K. COM-
STOCK, DOING BUSINESS AS "SMITH AND
COMSTOCK TRANSPORTATION COMPANY,"
BOX 771, DENVER, COLORADO, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

APPLICATION NO. 12506

November 5, 1953

Appearances: Barry and Hupp, Esqs., Denver,
Colorado, for applicants.

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Barry and Hupp, Attorneys for the above-styled applicants, requesting that Application No. 12506 be dismissed, without prejudice.

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, without prejudice, at request of Attorneys for applicants herein.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchel

Joseph T. Hensley
Raymond A. Hinton
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
POUDRE VALLEY COOPERATIVE)
ASSOCIATION, INC., 400 NORTH)
LINDEN STREET, FORT COLLINS,)
COLORADO.)

PERMIT NO. C-20282

CASE NO. 67054-INS.

November 5, 1953

S T A T E M E N T

By the Commission:

On October 22, 1953, the Commission issued its order in Case No. 67054-Ins., cancelling Permit No. C-20282 for failure of respondent to keep effective insurance on file with the Commission

It now appears that effective insurance has now been filed.

F I N D I N G S

THE COMMISSION FINDS:

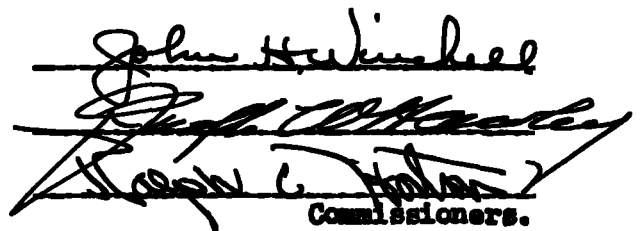
That said permit should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20282 should be, and the same hereby is, reinstated, as of October 22, 1953, revocation order entered in Case No. 67054-Ins.. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALFRED NEVILLE, MASONVILLE)
ROUTE, LOVELAND, COLORADO.)

PERMIT NO. C-21309
CASE NO. 66926-INS.

November 5, 1953

S T A T E M E N T

By the Commission:

On October 22, 1953, the Commission entered its order in Case No. 66926-Ins., cancelling and revoking Permit No. C-21309 for failure of respondent to keep effective insurance on file with the Commission.

Inasmuch as effective insurance has now been filed,

F I N D I N G S

THE COMMISSION FINDS:

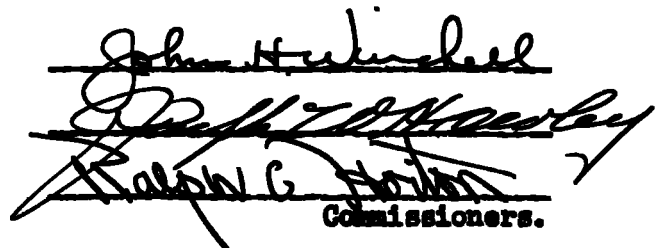
That said permit should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21309 should be, and the same hereby is, reinstated, as of October 22, 1953, revocation order entered in Case No. 66926-Ins. on said date being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.

mls

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 TO WITHDRAW THE)	APPLICATION NO. 12555
AGENCY AT HOOPER, COLORADO.)	
-----)	

November 5, 1953

S T A T E M E N T

By the Commission:

Pursuant to Rule No. 6 of the Rules and Regulations of this Commission pertaining to Railroads and Express Companies operating in the State of Colorado, The Denver and Rio Grande Western Railroad Company, by its General Manager, K. L. Moriarty, did on September 22, 1953, file its Petition with this Commission, seeking authority to withdraw the Agent from the station at Hooper, Alamosa County, Colorado.

Hooper, Colorado, is located some twenty miles north of Alamosa. It is the last station on what is known as the "Alamosa Branch" of Applicant's railroad. Said branch line is in actuality a standard gauge spur track from Alamosa to Hooper for freight switching service only. Trains are operated between said points as required for transportation of carload shipments, handling also such less-than-carload shipments as might be on hand.

It appears that passenger and mail service is provided to and from Hooper by motor vehicle. Also, that Rio Grande Motorway, Inc., provides a substituted motor transportation service for the Railroad Company to handle Railway Express Agency shipments and the less-than-carload freight, thereby providing a store-door delivery service.

Applicant indicates that the principal business handled at Hooper consists of carload shipments of potatoes and livestock outbound with livestock and coal inbound. It is maintained that the matters of ordering cars, preparation and handling of bills of lading, notifications of shipments and directions for loading and unloading of cars can be readily handled through its Alamosa Agency office. Request is therefore made to withdraw the Agent at Hooper, Colorado, since it appears that an agent's services are not required for the handling of carload business nor for the safe operation of train service on this spur track between Hooper and Alamosa. If this request is granted, applicant is willing to assume the expense of telephone charges from Hooper to Alamosa in connection with the ordering of cars and the consignment of carload shipments at Hooper, Colorado.

Pursuant further to the above-mentioned rules and regulations of this Commission, a notice of the proposed change in service was posted at the depot in Hooper, Colorado, on September 25, 1953, wherein it was indicated that any protests to the proposed change should be forwarded to the Commission.

The file in this matter indicates that the Commission has received one letter of protest bearing two signatures and two petitions of protest bearing four signatures and thirteen signatures respectively. It appears that some confusion or misunderstanding of what was contemplated in this application has resulted in the above complaints. In the above-mentioned letter it was stated regarding "the withdrawal of the agency at Hooper, Colorado * * * we have no other shipping point to get our stock to Wasson, Colorado, and to ship our lambs to market in the fall." That there was a misunderstanding, is borne out in another letter from the same protestants wherein it is requested that their protest be withdrawn, stating that "We have been enlightened on this matter * * *." Here it should be again pointed out that no removal of the railroad or shipping facilities is contemplated, only removal of the agent is sought.

Regarding the signatures appearing on the protest petitions, there has been forwarded to the Commission, signed copies of the following message:

"I desire to have my name withdrawn off Petition to close Hooper, Colorado Railroad Station."

A review of the original petitions and other correspondence to the Commission, indicates that said petitioners no longer desire to object in this matter. One signer has since moved to Nebraska, leaving only two signers who do not use the railroad who have not withdrawn their protest.

Upon investigation by the Commission, it was determined that the business handled at Hooper is quite variable. In a review of the years 1949, 1950, 1951, 1952 and six months of 1953, it appears that the greatest revenue on business from and to Hooper generally occurred during the months of January, February, March, April, October, November and December. In some months during the period: May, June, July, August and September, no freight was forwarded. A situation of this type does not lead to an efficient utilization of labor so that some remedy is sought.

For carload shipments, it is common railroad practice to handle routine billing operations at a station other than the point of origin or destination. In this instance, it appears that facilities are available at the larger division station of Alamosa for a more efficient operation and still provide an adequate service to the shipper.

The Commission realizes that some inconvenience must result to shippers when the services of an agent are withdrawn. The situation here is, in some respects, similar to that shown in Re: Closing by Chicago, Burlington & Quincy Railroad of its Agency Station at Stoneham, Colorado, decided by the Commission March 13, 1941, I. & S. Docket No. 239, Decision No. 16799, where we said:

"We believe that this question is one of managerial discretion, and under the law, unless the management acts arbitrarily in the exercise of said discretion, we cannot interfere with their decision. While some inconvenience may be suffered by receivers and shippers of freight, on account of lack of agency service, on the whole, we believe that experience has shown that l.c.l. freight, milk and carload freight can be satisfactorily handled in the manner that the railroad proposes to handle it--at least, we cannot say that the inconvenience is out of proportion to the benefits, in the opinion of management, that will accrue

to the railroad, by abandonment of the station. See Residents of Royalton et al v. Central Vermont Railway Company, 138 Atlantic, 782; Southern Railway Company v. Public Service Commission, et al, 10 S. L. (2d) 769; Lowden v. State, 8 Pacific (2d) 1061."

In view then of the above and the apparent approval of "Managerial discretion" as displayed in this matter by the major withdrawal of protests, 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 safe and economical railroad operation does not require the maintenance of an agent at the Hooper Station.

That public convenience and necessity in this area can be adequately served by the Alamosa Station.

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 Denver and Rio Grande Western Railroad Company be, and it hereby is, authorized to withdraw its agent from the station at Hooper, Alamosa County, Colorado, on notice to this Commission and the general public by not less than one day's filing and posting of new schedules in the manner prescribed in Section 16 of the Public Utilities Act of the State of Colorado.

That The Denver and Rio Grande Western Railroad Company shall assume the expense of telephone charges between Hooper and Alamosa in connection with the ordering of cars or any handling of carload shipments at or to Hooper, Colorado.

That reference shall be made to this decision in the tariff schedules showing the closing of said station as authority for such action.

That this Order shall become effective as of this day and date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hunshee
Joseph W. Hawley
Raymond G. Hobson
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAILWAY EXPRESS AGENCY, INC., DEN-)
VER UNION TERMINAL, DENVER, COLO-)
RADO, FOR AUTHORITY TO CLOSE ITS)
OFFICES AT PLACERVILLE (SAN MIGUEL)
COUNTY), RICO (DOLORES COUNTY),)
DOLORES (MONTEZUMA COUNTY), MANCOS)
(MONTEZUMA COUNTY), AND CORTEZ)
(MONTEZUMA COUNTY), COLORADO.)

APPLICATION NO. 11561

November 5, 1953

Appearances: Charles H. Haines, Jr., Esq.,
Denver, Colorado, for
applicant;
Daniel Milenski, Esq., Cortez,
Colorado, for City of
Cortez, Colorado, and
Diamond Match Company;
James B. Garrison, Esq.,
Cortez, Colorado, for
Board of County Com-
missioners of Montezuma
County, Colorado.

S T A T E M E N T

By the Commission:

By Decision No. 39966, of date January 9, 1953, the Commission issued a certificate of public convenience and necessity, permitting the closing of Railway Express Agency Offices at Placerville, Rico, Dolores, Mancos, and Cortez, Colorado.

By Decision No. 40012, of date January 27, 1953 -- petitions for rehearing having been filed by Mrs. Elizabeth E. Pellett and Hon. R. Bruce Sullivan -- said Decision No. 39966 was vacated, set aside, and held for naught.

Subsequently, said matter was set for hearing at 10:00 o'clock A. M., April 22, 1953, at the Court House, Cortez, Colorado, at which time and place counsel for applicant moved that said hearing be confined to the abandonment of service by said Agency in Cortez, Colorado. There being no objection thereto, said motion was granted, and the matter was heard and

taken under advisement.

By Decision No. 32455, of date November 3, 1953, the Commission authorized Railway Express Agency to discontinue maintenance of an Express Agency at Cortez, Colorado, and inadvertently omitted granting authority to said company to also abandon service at Placerville, Rico, Dolores, and Mancos, Colorado.

FINDINGS

THE COMMISSION FINDS:

That authority should again be granted Railway Express Agency to abandon service at Placerville, Rico, Dolores, and Mancos, Colorado, previous authority so to do having been set aside by Decision No. 40012.

ORDER

THE COMMISSION ORDERS:

That Railway Express Agency should be, and it hereby is, authorized to discontinue maintenance of an Express Agency at Placerville, Rico, Dolores, and Mancos, Colorado, effective nunc pro tunc, as of January 30, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hulse
Joseph W. Hulse
Ralph C. Hulse
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. R. HALL, 503 COLORADO AVENUE,)
GRAND JUNCTION, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PUC NO. 345 TO)
W. R. HALL TRANSPORTATION AND STOR-)
AGE COMPANY, A COLORADO CORPORATION,)
503 COLORADO AVENUE, GRAND JUNCTION,)
COLORADO.)
-----)

APPLICATION NO. 12647-Transfer

November 5, 1953

Appearances: Eugene H. Mast, Esq., Grand
Junction, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, W. R. Hall, Grand Junction, Colorado, owner and operator of PUC No. 345, seeks authority to transfer said operating rights to W. R. Hall Transportation and Storage Company, a Colorado corporation, Grand Junction, 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 of transferor is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said 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.

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 W. R. Hall, Grand Junction, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 345 to W. R. Hall Transportation and Storage Company, a Colorado corporation, Grand Junction, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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 herein.

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

John H. Winkler
Joseph C. Hawley
Russell G. Johnson
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1953.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CLARENCE COOK, 3300 KIPLING STREET,
WHEATRIDGE, COLORADO, FOR AN EXTEN-
SION OF CERTIFICATE OF PUBLIC CON-
VENIENCE AND NECESSITY NO. PUC-2156.

APPLICATION NO. 12579-Extension

November 6, 1953

Appearances: Roscoe Pile, Esq., Lakewood,
Colorado, for applicant;
George W. Harper, Esq., Denver,
Colorado, for Glen Huber;
Joe Atencio, Esq., Denver,
Colorado, for W. C. Davis.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting,
and after appropriate notice to all parties in interest, was heard at
330 State Office Building, Denver, Colorado, October 30, 1953, and at
the conclusion of said hearing, the matter was taken under advisement.

By this application, Clarence Cook, who holds Certificate of
Public Convenience and Necessity No. PUC-2156, authorizing him to conduct
a motor vehicle common carrier service for the transportation of:

garbage, trash, and waste materials in the Lakewood
area described as follows:

beginning at the intersection of Sheridan Boulevard
and West Colfax Avenue at the west City Limits of
the City of Denver; thence west along the center
line of West Colfax Avenue to Kipling Street; thence
south on Kipling Street to 14th Avenue; thence west
along 14th Avenue to a point 100 feet west of Klein
Street; thence south to the Denver and Intermountain
Railroad tracks; thence east along said railroad
tracks to Kipling Street; thence south on Kipling
Street to Alameda Avenue; thence east along Alameda
Avenue to Sheridan Boulevard; thence north along
Sheridan Boulevard to center line of West Colfax,
the place of beginning — all in Jefferson County,
Colorado,

seeks authority extending his certificate of public convenience and necessity to include an area described as follows:

Beginning at the intersection of Sheridan Boulevard and West Alameda Avenue, thence South along Sheridan Boulevard to the intersection of Sheridan Boulevard with West Jewell Avenue; thence west along West Jewell Avenue to the intersection of West Jewell Avenue with Wadsworth Avenue; thence South along Wadsworth Avenue to the intersection of Wadsworth Avenue with Morrison Road; thence Southwesterly along Morrison Road to the town of Morrison; thence following the boundaries of the town of Morrison Southerly, Westerly and Northerly to the Westernmost point of the town of Morrison (all so as to include the town of Morrison in the within area); thence North along an imaginary line to the intersection of said imaginary line with West Alameda Avenue; extended West to said imaginary line; thence East along said extended West line of West Alameda Avenue and along West Alameda Avenue to the point of beginning.

At the hearing held on the aforementioned date, applicant asked to amend his application by excluding from said area all that territory now covered by Certificate of Public Convenience and Necessity No. PUC-1968.

No objection was registered as to the amendment, and after same was granted, protestants withdrew their objections to the granting of the instant application.

Clarence Cook, the applicant herein, testified that he had had numerous requests from householders in the area to haul away their trash and garbage; that after numerous calls, he investigated the territory and as a result felt that his service was needed and that he could take care of that need, and therefore filed the instant application.

Mr. Reedy, a business man from Morrison, also a member of the Town Council, testified as to the need for applicant's proposed service in Morrison. The witness stated that they have no certificated carriers serving the Town of Morrison, thereby forcing the residents to haul their own trash and garbage. This, the Town Council has determined, is not satisfactory, and therefore the council is endorsing the instant application.

Mr. George Morris, Mr. Alfred R. Bennett, and Mr. Warren Zuber, and other witnesses, residents of the territory asked for in the instant application, all testified as to the need for applicant's proposed service.

No testimony was given protesting the granting of the instant application for extended service. We are of the opinion, after hearing the evidence adduced at the hearing, that the granting of the extension as limited by the amendment to the application, is in the public interest and vitally needed by the residents of the area sought to be served.

F I N D I N G S

THE COMMISSION FINDS:

That applicant is fit, willing and able to perform the aforementioned transportation service properly and to conform to the provisions of the carrier acts, rules and regulations, and requirements thereunder.

That public convenience and necessity require the proposed extended common carrier motor vehicle service of applicant for the transportation of garbage, trash and waste materials in the area hereinafter described, subject, however, to the conditions and restrictions set forth in the Order following which, in the opinion of the Commission, the public interest requires, 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 extended motor vehicle common carrier service of applicant, Clarence Cook, of 3300 Kipling Street, Wheatridge, Colorado, under his Certificate of Public Convenience and Necessity No. PUC-2156, for the transportation of garbage, trash and waste materials in the following described area:

Beginning at the intersection of Sheridan Boulevard and West Alameda Avenue, thence South along Sheridan Boulevard to the intersection of Sheridan Boulevard with West Jewell Avenue; thence West along West Jewell Avenue to the intersection of West Jewell Avenue with Wadsworth Avenue; thence South along Wadsworth Avenue to the intersection of Wadsworth Avenue with Morrison Road; thence Southwesterly along Morrison Road to the town of Morrison; thence following the boundaries of the town of Morrison Southerly, Westerly and Northerly to the Westernmost point of the town of Morrison (all so as to include the town of Morrison in the within area); thence North along an imaginary line to the intersection of said imaginary line with West Alameda Avenue extended West to said imaginary line; thence East along said extended West line of West Alameda Avenue and along West Alameda Avenue to the point of beginning,

subject, however, to the restriction that applicant is not permitted to serve or render service in overlapping territory covered by Certificate of Public Convenience and Necessity No. PUC-1968, 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

John H. Hunshee
Joseph W. Hunshee
Raymond C. Hunshee
Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1953.

ea

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

RE MOTOR VEHICLE OPERATIONS OF)
JEAN D. WHISNANT, 2745 APT. C)
CHERRY, BIRMINGHAM, WASHINGTON.)

PERMIT NO. C-28162

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Jean D. Whigmant

requesting that Permit No. C-28162 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28162 , heretofore issued to _____

Jean D. Whignant be,

and the same is hereby, declared cancelled effective October 8, 1953.

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

John Heilinschell
 Ralph W. Hawley
 Ralph C. Norton
 Commissioners

Dated at Denver, Colorado,

this 6th day of November , 1953.

218

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

RE MOTOR VEHICLE OPERATIONS OF)
EVA V. FLOREZ, 1004 SO. QUITMAN,)
DENVER 19, COLORADO.)

PERMIT NO. C-27669

November 6, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Eva V. Flores

requesting that Permit No. G-27669 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27669, heretofore issued to

Eva V. Flores be,

and the same is hereby, declared cancelled effective November 3, 1953.

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

John H. Lincoln
Joseph W. Hawley
Joseph C. Norton
Commissioners

Dated at Denver, Colorado,

this 6th day of November, 1953.

218

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK ATWOOD AND L. M. ATWOOD, DOING)
BUSINESS AS "ATWOOD BROTHERS," FORT) APPLICATION NO. 11802-Ext.
MORGAN, COLORADO, FOR AN EXTENSION)
OF PUC NO. 755.)

November 6, 1953

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for applicants;
R. B. Danks, Esq., Denver, Colo-
rado, for Northeastern Motor
Freight, Inc.;
Harold D. Torgan, Denver, Colo-
rado, for Colorado Transfer &
Warehousemen's Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer & Storage;
Paul Hickman, Yuma, Colorado, for
Yuma County Transportation Co.

S T A T E M E N T

By the Commission:

By Decision No. 6572, of date July 23, 1935, Frank Atwood and L.
M. Atwood, co-partners, doing business as "Atwood Brothers," Fort Morgan,
Colorado, were authorized to transport:

1. Furniture, livestock, farm products, farm machinery
and supplies from and to and to and from all points
within Morgan County, and an occasional haul of farm
products to Sterling, Colorado.
2. Livestock from points in Morgan County to markets in
Denver, and, in emergencies only, farm machinery, irri-
gation and highway supplies from Denver and other
points in the State to points in Morgan County, sub-
ject to the following conditions:
 - (a) For the transportation of all commodities, in-
cluding machinery, irrigation and highway supplies,
other than household goods and livestock, between
points served by scheduled carriers, applicant shall
charge rates which in all cases shall be at least 20
per cent in excess of those charged by the scheduled
carriers.
 - (b) Applicant shall not operate on schedule or en-
gage in the transportation of freight generally be-
tween points served by scheduled carriers.

PUC No. 755 was assigned to the operation.

By Decision No. 10327, of date July 14, 1937, said certificate was extended to include the transportation, in intrastate and interstate commerce, of:

All commodities into, out of, and between points in Morgan County; provided, however, that applicants shall not transport furniture from or to Brush, to and from points in Colorado, or otherwise compete with the service of Estel Roe (PUC-964), except as stated by Decision No. 6572, and shall not engage in any transportation service of a direct competitive character between points on the line of scheduled common carriers now serving Morgan County, and particularly shall not render point to point service along U. S. Highways 6 and 138, or along State Highway 144 between Orchard and Fort Morgan (except livestock and bulk farm produce), or between points on said Highway No. 144 and a ten-mile radius from Orchard, Goodrich and Weldona (except livestock and bulk farm produce and commodities already authorized) or between Denver and any of the aforesaid points; provided, however, nothing herein is intended to modify any of the authority already held by applicants under Decision No. 6572.

By Decision No. 21152, of date July 15, 1943, said certificate was extended to include the transportation of:

Commodities generally, except milk and cream, from point to point in an area in Colorado situated east of a north and south line running through the town of Roggen, and north of U. S. Highway No. 36, and between points in said area and other points in Colorado east of the Continental Divide, including the right to transport hay between all points east of the Continental Divide, including Middle Park, subject to the following restrictions:

- (a) Applicants shall not operate on schedule or over regular routes and shall not transport any commodities between towns or cities on routes presently served by scheduled common carriers.
- (b) Applicants shall not maintain an office at any point, except the City of Fort Morgan.
- (c) The extended authority herein granted is subject to the same restrictions as to service contained in Decision No. 6572, so far as competitive service is concerned.

By the instant application, filed May 13, 1952, applicants request authority to remove the restriction against the transportation between towns of the following commodities:

Flour, feed, building material and fencing material, and further authority to apply on the above commodities the same tariff rates as are authorized to be charged by scheduled carriers, the proposed service to be on call and demand.

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, June 23, 1952, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

(Since the application was filed, the certificate has been transferred to W. F. Atwood, doing business as "Atwood Truck Line," Fort Morgan, Colorado, by Decision No. 39087, of date July 18, 1952.)

In the instant application, it is admitted that applicants have been transporting building materials and fencing materials between all points, including towns not in their authorized area for many years, and, during the past four years, have been rendering an extensive service for the transportation of flour and feed from Fort Morgan to various points, including other towns and cities in the State, sometimes involving a movement between towns and sometimes between a town and a country point. They claim that this situation requires an expedited service and does not permit an interline movement and hence there is a need for the proposed service.

Although applicants claim that such illegal operations were due to the fact that the authority is somewhat ambiguous, such a claim is not substantiated by the wording of the authority or the record. Even as early as April 24, 1940 (Decision No. 15279), the Commission ordered applicants to show cause why the certificate should not be suspended or revoked on the grounds, among others, that they had "exceeded the authority granted under the terms of their certificate by accepting, transporting and delivering shipments of freight from and to points outside of and beyond the territory or area authorized to be served by their said certificate."

(Case No. 4306) After hearing, the Commission found (Decision No. 16202, November 27, 1940) that applicants had discussed with the Commission's law enforcement department all of the irregularities and violations charged in the Show Cause Order and had been fully informed of their oversight and neglect and advised as how to correct the same. The show cause proceedings were dismissed on the understanding that applicants then

had a full and complete understanding of the extent of the authority under said certificate. Nevertheless, they continued to operate outside of and beyond such authority as shown by the application itself, and further it is within the knowledge of the Commission that, just prior to the hearing, they were convicted twice for violations; once, for the transportation of flour, and once, for the transportation of structural steel beyond their authority.

At the hearing, Frank Atwood testified, admitting the violations, and L. W. Hiser, Manager of the Fort Morgan Mills, Inc., testified in support of the application, so far as the transportation of flour is concerned, stating that he needed applicants service in this transportation, although all his other transportation is handled by Northeastern Motor Freight, Inc.

Relative to the transportation of building materials, Harold Graves, Assistant Manager of Willard Reid Lumber Company, Fort Morgan, Colorado, testified that he had used applicants service from Denver and Kersey to Fort Morgan, but had never requested service by Northeastern Motor Freight, Inc., which serves the same territory.

Marvin Wickham, Manager of Warren Lumber Company, Fort Morgan, Colorado, told of his need for service to various points, had used the service of applicants in the transportation of cement from Boettcher and Kersey, cinder blocks and brick from Denver, and steel products from Pueblo. He also used the service of Northeastern Motor Freight, Inc., which serves all the points to which his deliveries are made, except Snyder.

In protest, Mr. Arnold, President of the Northeastern Motor Freight, Inc., which supplies a line-haul transportation service between Denver and Sterling and certain intermediate points and has authority to transport:

Used household goods and office equipment to all points in the State from Logan County, as well as a rovers authority for the transportation of:

general commodities, except livestock along a portion of Highway No. 6,

testified that his company, in its line-haul service, serves most of the points applicants seek to serve three times per week. It has ample equipment to furnish any service requested. It has the proper equipment to handle the flour haul from the mills and has handled the same when requested. It interlines its traffic for the south at Denver with Weicker by interchange of trailers. It can serve all the needs of the lumber companies expressed by the witnesses, and never refused service on any of the commodities involved. The only transportation requested that could not be efficiently handled by Northeastern Motor Freight, Inc., would be the cement haul from Boettcher or La Porte, and Mr. Arnold stated that he did not object to extending the application to include only that haul or to include service to Greeley. He stated, however, that his company presently has authority to serve all points within five miles of the main highway and the granting of the extended authority sought would impair the present efficient service of his own company.

It is very evident from the testimony that applicants have frequently and continuously operated beyond their authority. The Commission has often held that public convenience and necessity can not be proved by evidence of illegal actions or by the testimony of witnesses who have been served by applicants beyond their authorized area, or in the transportation of commodities not authorized to be transported. The instant case is based solely upon such testimony and we have the additional testimony to the effect that the granting of the extended authority as sought would impair the efficient service of a scheduled line-haul operator serving the same area sought to be served by applicants.

FINDINGS

THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof, by reference, and that the instant application should be denied.

ORDER

THE COMMISSION ORDERS:

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

That this Order shall become effective twenty-one (21) days
from and after the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinkley
Joseph C. Hawley
Ralph C. Hohn
Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BURLINGTON TRANSPORTATION COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)
-----)

APPLICATION NO. 12648

November 6, 1953

S T A T E M E N T

By the Commission:

By the instant application, filed June 29, 1946, Burlington Transportation Company requested a certificate of public convenience and necessity for the transportation of passengers, baggage, express, mail and newspapers between Denver and Boulder, Colorado, by motor vehicle over the new super highway to be constructed between said places. (Now the Denver-Boulder Turnpike).

No action was taken on the application, and Colorado Transportation Company, successor of applicant, has requested that said application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said application be dismissed.

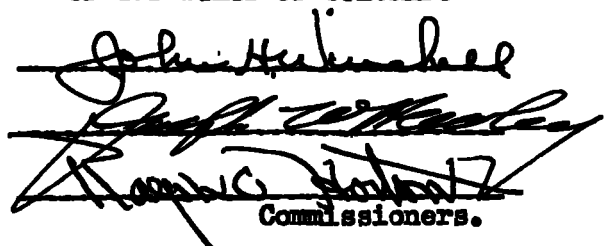
O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same is hereby, dismissed, at the request of Colorado Transportation Company, successor of applicant.

That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE RED MOUNTAIN COMPANY, INC.,)	
SILVERTON, COLORADO, FOR AUTHORITY)	
TO TRANSFER PUC NO. 2214 TO GRAND)	<u>APPLICATION NO. 12649-Transfer</u>
IMPERIAL HOTEL, DIVISION OF NEW)	
MEXICO HOUSING COMPANY, SILVERTON,)	
COLORADO.)	
-----)	

November 6, 1953

S T A T E M E N T

By the Commission:

By Decision No. 35889, of date January 4, 1951, The Red Mountain Company, Inc., Silverton, Colorado, was granted a certificate of public convenience and necessity by this Commission, authorizing it to operate as a common carrier, on call and demand:

"by means of five-passenger-and-driver sedans or converted equipment suitable for mountain driving (all equipment, before use, to be approved by our Mechanical Inspector), for the transportation of passengers and their baggage in taxi and sightseeing service, between Silverton and points located within a twenty-five-mile radius thereof, provided, however, that all trips shall originate or terminate in San Juan County, and that passengers will not be picked up or discharged in Ouray County, Colorado,"

said operating rights being known as "PUC No. 2214."

By the instant application, said certificate-holder seeks authority to transfer said PUC No. 2214 to Grand Imperial Hotel, Division of New Mexico Housing Company, Silverton, 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 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 bein 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 The Red Mountain Company, Inc., Silverton, Colorado, should be, and it hereby is, authorized to transfer all right, title, and interest in and to PUG No. 2214 — being the operating rights granted by Decision No. 35889 — to Grand Imperial Hotel, Division of New Mexico Housing Company, Silverton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writag, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

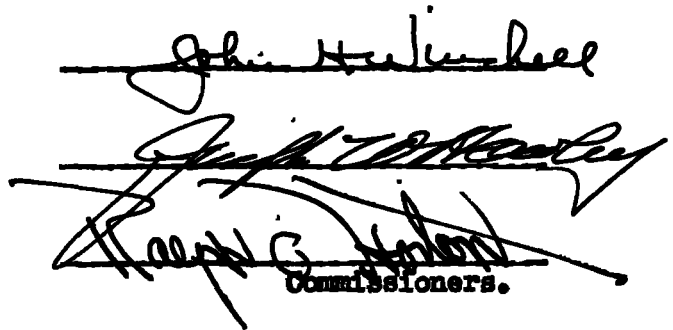
The tariff of rates, rules and regulations of transferor shall upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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

That passenger-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 6th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE A. PIERCE, 1550 SOUTH)
HAZEL COURT, DENVER, COLORADO.)

PERMIT NO. B-3606

November 13, 1953

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-3606 be suspended for six months from October 28, 1953.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

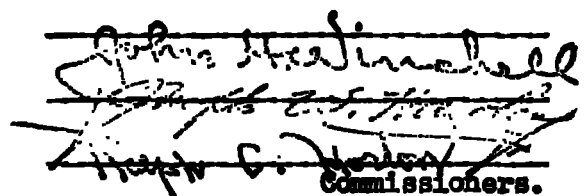
O R D E R

THE COMMISSION ORDERS:

That George A. Pierce, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3606 until April 28, 1954.

That unless said George A. Pierce, Denver, Colorado, 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 13th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
W. WARREN HARRIS, 1881 SOUTH
ACOMA, DENVER 19, COLORADO.

PERMIT NO. B-4358

November 13, 1953

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-4358 be suspended for six months from November 2, 1953.

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 W. Warren Harris, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4358 until May 2, 1954.

That unless said W. Warren Harris, Denver, Colorado, 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

John MacLinnell
Joseph C. H. H. H.
Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT C. SWEETSER, 1175 W.)
GILL PLACE, DENVER 19, COLORADO.)

PERMIT NO. B-4391

November 13, 1953

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-4391 be suspended for six months from November 3, 1953.

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 Robert C. Sweetser, Denver, Colorado,, be, and he is hereby, authorized to suspend his operations under Permit No. B-4391 until May 3, 1954.

That unless said Robert C. Sweetser, Denver, Colorado, 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

John H. Hinchell
Joseph W. Hinchell
Ralph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1953.
mls

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

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD S. LEDFORD, BOX 102,)
ARTESIA, COLORADO.)

PERMIT NO. C-21694

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Edward S. Ledford

requesting that Permit No. C-21694 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-21694, heretofore issued to _____

Edward S. Ledford **be,**

and the same is hereby, declared cancelled effective November 4, 1953.

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

John H. Lindbergh
Joseph C. Howard

Commissioners

Dated at Denver, Colorado,

this 13th day of November , 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
VERNON ALBERT CORPORN, ROUTE I,)
GRAND JUNCTION, COLORADO.)

PERMIT NO. C-27876

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Vernon Albert Corporon

requesting that Permit No. C-27876 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27876, heretofore issued to _____

Vernon Albert Corporon be,

and the same is hereby, declared cancelled effective October 31, 1953.

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

John H. Winchell
 Ralph W. Hazen
 Ralph C. Horton
 Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RAY CAMPBELL, YUMA, COLORADO.)

PERMIT NO. C-28277

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Ray Campbell

requesting that Permit No. C-28277 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28277, heretofore issued to _____

Ray Campbell

be,

and the same is hereby, declared cancelled effective November 1, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Joseph W. Hinchell
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

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

RE MOTOR VEHICLE OPERATIONS OF)
DONALD D. SOUTHARD, 810 JASMINE,)
DENVER 20, COLORADO.)

PERMIT NO. C-30537

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Donald D. Southard

requesting that Permit No. C-30537 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-30537 , heretofore issued to

Donald D. Southard

be,

and the same is hereby, declared cancelled effective **November 4, 1953.**

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

John H. Winchell
Joseph W. Hawley
Raymond C. Horton
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM V. PUGH, FITZSIMONS HOSPITAL,)
DENVER 8, COLORADO.)

PERMIT NO. C-31301

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

William V. Pugh

requesting that Permit No. C-31301 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31301, heretofore issued to _____

William V. Pugh be,

and the same is hereby, declared cancelled effective November 2, 1953.

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

John H. Winchell
Joseph W. Hawley
Joseph C. Horton
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

m18

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JACK FAOUR, DOING BUSINESS AS)
"MAGNOLIA FRUIT & PRODUCE CO.,")
603 PRAIRIE AVENUE, HOUSTON 2,)
TEXAS.)
-----)

PERMIT NO. C-12988

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Jack Faour, dba "Magnolia Fruit & Produce Co."

requesting that Permit No. C-12988 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-12988, heretofore issued to _____

Jack Faour, dba "Magnolia Fruit & Produce Co." be,

and the same is hereby, declared cancelled effective October 16, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Ralph C. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MERL M. & MARGARET JEAN MOREHEAD,)
DOING BUSINESS AS "ESTES PARK)
MARKET," ESTES PARK, COLORADO.)
-----)

PERMIT NO. C-4254

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Merl M. & Margaret Jean Morehead, dba "Estes Park Market"

requesting that Permit No. C-4254 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-4254, heretofore issued to _____

Merl M. & Margaret Jean Morehead, dba "Estes Park Market" be,

and the same is hereby, declared cancelled effective November 5, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Joseph E. Hargrave
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

als

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEO L. JOHNSON, BOX 301, DELTA,)
COLORADO.)
)
)
)
)
-----)

PERMIT NO. C-13770

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Leo L. Johnson

requesting that Permit No. C-13770 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-13770, heretofore issued to _____

Leo L. Johnson

be,

and the same is hereby, declared cancelled effective November 4, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hines
Joseph C. Hines
Joseph C. Hines
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
JAMES N. AGNESS, BOX 143, DILLON,)
COLORADO.)

PERMIT NO. C-29979

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

James N. Agnessen

requesting that Permit No. C-29979 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29979, heretofore issued to _____

James N. Agnessen be,

and the same is hereby, declared cancelled effective October 30, 1953.

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

John H. Winchell
 Ralph C. Horton
 Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

nl8

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RHEN MARSHALL, 402 SOUTH 6TH,
BEATRICE, NEBRASKA.

PERMIT NO. C-31373

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Rhen Marshall

requesting that Permit No. C-31373 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31373, heretofore issued to _____

Rhen Marshall be,

and the same is hereby, declared cancelled effective November 5, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Joseph W. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
ANTHONY JOHN FAVARO, 6 51 LOWELL)
BOULEVARD, DENVER 11, COLORADO.)

PERMIT NO. C-30747

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Anthony John Favaro

requesting that Permit No. C-30747 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-30747, heretofore issued to

Anthony John Favaro

be,

and the same is hereby, declared cancelled effective November 5, 1953.

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

John H. Winchell
~~Ralph C. Woodson~~
~~Ralph C. Woodson~~

Commissioners

Dated at Denver, Colorado,

this 13th day of November , 1953.

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original

(Decision No. 41521)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D. L. MC MURRIN, UPTON, WYOMING,)
FOR A CLASS "A" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

APPLICATION NO. 12594-PP

November 10, 1953

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at the Court House, Greeley, Colorado, November 12, 1953, at 10 o'clock A. M.

The Commission is now informed that applicant herein does not desire to prosecute said application.

F I N D I N G S

THE COMMISSION FINDS:

That hearing in the above-styled application set for November 12, 1953, should be vacated.

That the instant application should be dismissed, at request of applicant.

O R D E R

THE COMMISSION ORDERS:

That hearing in the above-styled application, set for November 12, 1953, at Greeley, Colorado, should be, and the same is hereby, vacated.

That Application No. 12594-PP should be, and the same hereby is, dismissed, at request of applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. ...
James P. ...
Harold ...
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1953.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ROBERT E. SCOTT, DOING BUSINESS AS
"MANITOU EXPRESS COMPANY," 140
CANON AVENUE, MANITOU SPRINGS,
COLORADO, FOR AUTHORITY TO TRANSFER
PUC NO. 189 AND PUC NO. 189-I TO
ROBERT K. JOHNSON, DOING BUSINESS
AS "MANITOU EXPRESS COMPANY," 140
CANON AVENUE, MANITOU SPRINGS,
COLORADO.

APPLICATION NO. 12650-Transfer

November 10, 1953

S T A T E M E N T

By the Commission:

On June 6, 1927, by Decision No. 1290, Leslie Sutherland was authorized to operate as a common carrier by motor vehicle for hire, for the transportation of:

freight, baggage, and express between Manitou Springs, Colorado, and Colorado Springs, Colorado.

In Docket No. MC-33022, on June 8, 1943, he was authorized to operate as a common carrier by motor vehicle for hire, in interstate commerce, for the transportation of:

general commodities over a regular route between Colorado Springs, Colorado, Manitou Springs, Colorado, over U. S. Highway No. 24 and return over the same route -- no intermediate points,

said operating rights being known as "PUC No. 189 and PUC No. 189-I."

Subsequently, the following transfers of said PUC No. 189 and PUC No. 189-I were effected:

From Leslie Sutherland to James B. Rogers,
Colorado Springs, Colorado (Decision No. 26108);

From James B. Rogers, Colorado Springs, Colorado,
to Paul F. Straight and D. E. Straight, doing
business as "Straights' Transfer & Express,"
Manitou Springs, Colorado (Decision No. 27617,
of date February 20, 1947);

From Paul F. Straight and D. E. Straight, doing business as "Straights' Transfer and Express," Manitou Springs, Colorado, to O. G. Kelley, doing business as "Manitou Springs Express & Transfer," Manitou Springs, Colorado (Decision No. 29503, of date December 12, 1947);

From O. G. Kelley, doing business as "Manitou Springs Express & Transfer," Manitou Springs, Colorado, to Dreu W. Wright and Ilda L. Wright, co-partners, doing business as "Manitou Fuel & Transfer Co.," Colorado Springs, Colorado (Decision No. 36236, of date March 14, 1951);

From Dreu W. Wright and Ilda L. Wright, doing business as "Manitou Fuel & Transfer Co.," Colorado Springs, Colorado, to Daniel T. Rogers, doing business as "Manitou Express Co.," Manitou Springs, Colorado (Decision No. 37742, of date November 16, 1951);

From Daniel T. Rogers, doing business as "Manitou Express Co.," Manitou Springs, Colorado, to Robert E. Scott, doing business as "Manitou Express Co.," Manitou Springs, Colorado (Decision No. 40733, of date June 12, 1953).

By the instant application, Robert E. Scott, doing business as "Manitou Express Company," Manitou Springs, Colorado, seeks authority to transfer PUC No. 189 and PUC No. 189-I to Robert K. Johnson, doing business as "Manitou Express Company," Manitou Springs, Colorado.

Inasmuch as the files of the Commission and the application herein disclose that said operating rights are in good standing; that road tax has been paid; that ton-mile tax deposit of transferor is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said operating rights; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said 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 authority, 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 Robert E. Scott, doing business as "Manitou Express Company," Manitou Springs, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 189 and PUC No. 189-I -- with authority as set forth in the preceding Statement, which, by reference, is made a part hereof -- to Robert K. Johnson, doing business as "Manitou Express Company," Manitou Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said operating rights have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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

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

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

John H. Winkler
Joseph W. Keasley
Reginald C. Horton
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	<u>PERMIT NO. C-18481</u>
FRED P. HANS, GORDON, NEBRASKA)	<u>CASE NO. 66863-INS.</u>
-----)	

November 10, 1953

S T A T E M E N T

By the Commission:

On October 22, 1953, in Case No. 66863-Ins., the Commission entered its order and decision, revoking Permit No. C-18481 for failure of respondent to keep effective insurance on file with the Commission.

It now appears that proper insurance filing, without lapse, has been made.

F I N D I N G S

THE COMMISSION FINDS:

That said permit should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-18481 should be, and it hereby is, reinstated, as of October 22, 1953, revocation order entered on said date by the Commission in Case No. 66863-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Wheeler
Joseph C. [unclear]
Ralph C. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1953.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
CLARENCE S. HORNBACK, DOING
BUSINESS AS "UNITED TRUCKERS,"
41 JAY STREET, LAKEWOOD, COLO-
RADO.

}
} PERMIT NO. B-4571
} CASE NO. 66950-INS.
}

November 10, 1953

S T A T E M E N T

By the Commission:

On October 22, 1953, in Case No. 66950-Ins., the Commission entered its order, revoking Permit No. B-4571 for failure of respondent to keep effective insurance on file with the Commission.

Wife of permittee now informs the Commission that said permittee has been hospitalized, and that she had, by telephone, requested authority to suspend operations under said permit.

Although the files of the Commission fail to disclose any such request, it appears that respondent is acting in good faith.

F I N D I N G S

THE COMMISSION FINDS:

That said order of revocation should be set aside, and Clarence S. Hornback, doing business as "United Truckers," Lakewood, Colorado, should be authorized to suspend operations under said Permit No. B-4571, for a period of six months from August 29, 1953.

O R D E R

THE COMMISSION ORDERS:

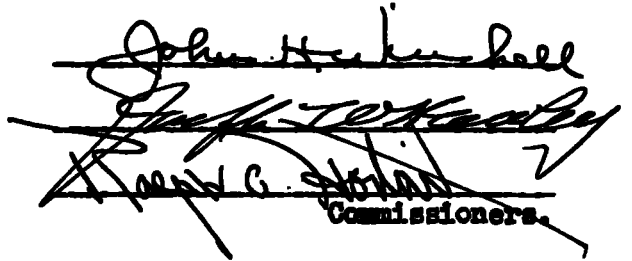
That revocation order entered by the Commission in Case No. 66950-Ins., of date October 22, 1953, whereby Permit No. B-4571 was cancelled and revoked, should be, and the same hereby is, vacated, set aside, and held for naught.

That Clarence S. Hornback, doing business as "United Truckers," Lakewood, Colorado, should be, and he hereby is, allowed to suspend operations under Permit No. B-4571 for a period of six months from August 29,

1953, or until March 1, 1954.

That unless said permittee shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to Private Carrier Permits, said permit, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MOUNTAIN UTILITIES CORPORATION, 741)
EQUITABLE BUILDING, DENVER, COLORADO.)
_____)

PERMIT NO. C-26735

November 13, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Mountain Utilities Corporation

requesting that Permit No. C-26735 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-26735, heretofore issued to _____

Mountain Utilities Corporation be,

and the same is hereby, declared cancelled effective November 9, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Joseph C. Hinchell
Ralph C. Hinchell
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL BAESSLER, JR., 10617 EAST)
14TH, AURORA, COLORADO.)

PERMIT NO. B-2855

November 13, 1953
-C- -----

S T A T E M E N T

By the Commission:

On May 21, 1953, the Commission authorized Carl Baessler, Jr., Aurora, Colorado, to suspend operations under his Permit No. B-2855 until November 5, 1953.

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:

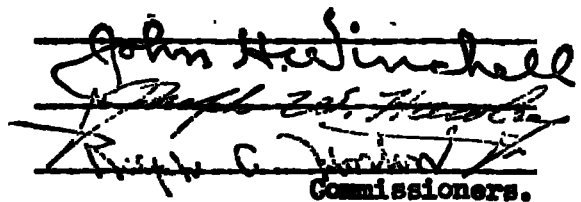
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-2855 should be, and the same hereby is, reinstated as of November 2, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1953.

mls

original

(Decision No. 41523)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF COLORADO,

Complaint,

vs.

SAMUEL C. WELKER AND MARTHA R.
WELKER, doing business as "ROCKY
MOUNTAIN FREIGHT LINES," AND ROCKY
MOUNTAIN FREIGHT LINES, INC.,

Defendants.

CASE NO. 5066

COMPLAINT AND ORDER
TO SATISFY OR ANSWER

November 13, 1953

S T A T E M E N T

By the Commission:

The Public Utilities Commission of the State of Colorado has been informed by its Supervisor of Complaints and Investigation that the Defendants, Samuel C. Walker and Martha R. Welker, doing business as "Rocky Mountain Freight Lines," are the owners of Certificate of Public Convenience and Necessity No. 2251 and Permit No. A-500; that the said Samuel C. Welker and Martha R. Welker, doing business as "Rocky Mountain Freight Lines," did mortgage said Certificate and Permit to the Estes Park Bank, Estes Park, Colorado, which mortgage was approved by this Commission in Decision No. 40/46, which approval went to the Rocky Mountain Freight Lines, Inc.; that it is the information and belief of the Commission that the assets of the said Samuel C. Welker and Martha R. Welker, doing business as "Rocky Mountain Freight Lines," now belong to the Rocky Mountain Freight Lines, Inc., although no application to transfer said assets has been filed therein. Further, the Commission has been informed by its Supervisor that the said Samuel C. Welker and Martha R. Welker, doing business as "Rocky Mountain Freight Lines," and/or the Rocky Mountain Freight Lines, Inc., have filed with the Commission a C. O. D. bond as provided by Rule 24 of the Rules and Regulations Governing Common Carriers by

Motor Vehicle; that said bond is in the amount of \$2,000.00, and the principal in said bond is the Fidelity and Deposit Company of Maryland; that the Commission has caused an investigation to be made of the motor vehicle operations of the said Samuel C. Welker and Martha R. Welker, doing business as "Rocky Mountain Freight Lines," and of the Rocky Mountain Freight Lines, Inc.

F I N D I N G S

THE COMMISSION FINDS:


That said parties are not now, nor have they in the past, for a period of more than six months, complied with Section (b) of Rule 24 by remitting to the consignor promptly and within ten (10) days the C. O. D. charges on freight shipments; that there was outstanding on October 27, 1953, unpaid C. O. D. collections in the amount of approximately \$2,700.00, which amount is in excess of the amount of the above described bond, as shown by the list attached to the within Complaint and Order to Satisfy or Answer.

O R D E R

THE COMMISSION ORDERS:

That the said Defendants, Samuel C. Welker and Martha R. Welker, doing business as "Rocky Mountain Freight Lines," and Rocky Mountain Freight Lines, Inc., are hereby notified that the within Complaint has been filed in the above action against said Defendants and that the said Defendants are ordered to satisfy the matters herein complained of or to answer the Complaint in writing within ten (10) days from service upon said Defendants of this Order and Complaint.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


John H. Hinchel
Joseph W. Newberry
Ralph C. Johnson
Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1953.
mls

UNPAID C. O. D. COLLECTIONS OUTSTANDING AS OF OCTOBER 27, 1953

		RMFL #	
6/4	Carpenter Paper	91342	\$ 22.05
6/3	Dave Cook	91263	30.55
6/9	Sears Roebuck	91572	262.14
6/12	Denver Buick	91750	19.00
6/17	Park Davis	91953	35.78
6/17	Daniels & Fisher	91969	71.09
6/17	Daniels & Fisher	91970	28.41
6/26	Tempte Bros.	92404	96.63
6/26	Sleep Ez Mattress	92405	42.44
6/29	O'Meara Motor Co.	92441	40.55
6/30	Colo. Industrial Supply	92543	31.42
7/3	Knoebel Merc.	92776	93.13
7/8	J. Zerobnick	92930	6.00
7/10	Carpenter Paper	92945	9.68
7/9	Rickenbaugh Cadillac	92957	21.68
7/9	Neusteter Co.	93001	60.16
7/10	Thomas Hickerson	92021	30.49
7/10	Carpenter Paper	93049	42.40
7/10	Schaeffer Tent	93055	86.68
7/13	Rickenbaugh Cadillac	93117	13.11
7/15	Parke Davis Co.	93003	30.11
7/16	Denver Dry Goods	93262	67.65
7/20	Lowen-Thompson-Brown	93380	32.71
7/22	Denver Buick	93472	1.28
7/27	Isbell Kent Oakes	93628	114.56
7/27	Denver Buick	93627	92.51
7/28	Denver Buick	93652	2.34
7/29	Colo. Leather Co.	93702	47.20
7/30	Denver Buick	93798	10.14
7/30	Graybar Electric	93797	34.19
7/31	Kenz & Leslie	93833	66.56
8/3	Tepper	93904	199.25

8/3	Merchants Chem. Co.	93908	\$ 12.87
8/5	Knoebel Merc.	103149	53.98
8/5	Kool Vent Awning Co.	93993	79.40
8/12	Hendrie Bolthoff	94174	8.54
8/12	Knoebel Merc.	103251	50.45
8/17	Kuner Empson	94290	9.94
8/17	E. S. Hawkins Electric	94305	24.28
8/18	New York Furn	94351	10.15
8/18	Carpenter Paper Co.	94343	12.03
8/19	Knoebel Merc.	103360	24.44
8/12	Sears Roebuck	94437	29.52
8/26	Panther Oil	94525	68.27
8/28	Carpenter Paper	94600	11.38
9/3	Carpenter Paper	94655	26.99
9/10	Constructors Equip.	82	24.08
9/11	American Furniture	114	30.58
9/14	Crews Fruit Co.	134	9.65
9/23	Sears Roebuck	324	41.01
9/29	Paradice Flag	417	5.00
9/15	B & B Auto Parts	170	97.18
10/9	Sears Roebuck	580	90.34
10/12	ICX	597	205.50
10/14	Dukes Food	631	29.35

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
E. O. JOHNS AND KATHERINE H. JOHNS, }
CO-PARTNERS, DOING BUSINESS AS }
"DURANGO TRANSFER AND STORAGE," }
DURANGO, COLORADO, FOR AN EXTENSION }
OF PUC NO. 1886. }

APPLICATION NO. 12581-Extension

November 16, 1953

Appearances: LaVerne H. McKelvey, Esq.,
Durango, Colorado,
R. Franklin McKelvey, Esq.,
Durango, Colorado, and
E. B. Evans, Esq., Denver,
Colorado, for applicants;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Trans-
fer and Storage Company;
T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.;
Lewis M. Perkins, Esq.,
Durango, Colorado, and
Howell W. Cobb, Esq., Durango,
Colorado, for Grant G.
Gifford.

S T A T E M E N T

By the Commission:

By the instant application, E. O. Johns and Katherine H. Johns, co-partners, doing business as "Durango Transfer and Storage," Durango, Colorado, seek authority to extend their operations under PUC No. 1886 to include the right to transport general commodities in the Counties of Archuleta, La Plata, Dolores, Montezuma, and San Juan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Durango, Colorado, November 5, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, counsel for applicants moved to amend the application by adding to the last paragraph the following:

"excluding transportation between towns on U. S. Highways Nos. 550 and 160, and Colorado Highway No. .72, served by Rio Grande Motor Way, Inc., and excluding transportation from point to point in San Juan County, Colorado, and excluding oil and gas well equipment and supplies and cement and gas and drilling mud within a radius of fifteen miles of Ignacio, Colorado."

There being no objection, the application was so amended; whereupon, attorneys for protestants withdrew their protests.

Charles Wayne Stickle, of Durango, Colorado, testified that he is Branch Manager for the Money Mercantile Company at Durango; that there is an urgent need for the extended service herein sought; that no service is available to many of their customers in the area; that in some cases where service is available, it is unreliable; that public convenience and necessity require a common carrier call and demand service, and that, in his opinion, no presently-authorized carrier in the area would be injured.

John A. Wilmer, of Durango, Colorado, testified that he has been the Acting Secretary of the Durango Chamber of Commerce for the past three years; that he has previously had thirty years business experience in Durango, in the laundry, dry cleaning, and bakery businesses; that there is a vital need in the community for the type of service being applied for.

James Howard, Durango, Colorado, testified that he is Manager of Montgomery Ward Retail Store; that his company handled only hard lines of merchandise, and that while they have a contract for trucking service four days a week, there is a need for the authority herein sought, and that public convenience and necessity require the granting of the instant application.

E. O. Johns, Durango, Colorado, one of applicants herein, testified that he and his wife are co-partners, doing business as "Durango Transfer and Storage," operating under FUC No. 1886; that amendments to the application above set forth were agreeable to the applicants; that they had many calls for service which were beyond their authority; that the Telephone Company called upon them at all hours to move a snow weasel; that Montgomery Ward and Company, Gambles, Western Colorado Power Company, Mountain States Telephone and Telegraph Company, Jackson Hardware, and the various

appliance stores in Durango called upon them frequently for service which they were unable to render because of their restricted authority; that public convenience and necessity require the granting of the application. He identified and offered in evidence Exhibit No. 1, a map of the territory, Exhibit No. 2, their Description of Equipment, and Exhibit No. 3, their financial statement.

It did not appear to the Commission that the granting of the application, as amended, would impair the service of any other common carrier operating in the territory sought to be served by applicants.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the extended motor vehicle common carrier service of E. O. Johns and Katherine H. Johns, co-partners, doing business as "Durango Transfer and Storage," Durango, Colorado, operating under FUC No. 1886, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier call and demand service of E. O. Johns and Katherine H. Johns, co-partners, doing business as "Durango Transfer and Storage," Durango, Colorado, under FUC No. 1886, to include the right to transport general commodities in the Counties of Archuleta, La Plata, Dolores, Montezuma, and San Juan, Colorado, excluding transportation between towns on U. S. Highways Nos. 550 and 160, and Colorado Highway No. 172, served by Rio Grande Motor Way, Inc., and excluding transportation from point to point in San Juan County, Colorado, and excluding oil and gas well equipment and supplies and cement and gas and drilling mud within a radius of fifteen miles of Ignacio, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicants shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission, within twenty

(20) days from date.

The applicants shall operate their carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

This Order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winkler
Joseph W. Hawley
Raymond H. Hahn
Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1953.

Original

(Decision No. 41530)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
GEORGE MC JUNKIN, IGNACIO, COLORADO, }
FOR A CERTIFICATE OF PUBLIC CONVEN- }
IENCE AND NECESSITY. }

APPLICATION NO. 12587

IN THE MATTER OF THE APPLICATION OF }
DAYTON E. PERCELL, DOING BUSINESS }
AS "PINE RIVER TRANSFER," IGNACIO, }
COLORADO, FOR A CERTIFICATE OF }
PUBLIC CONVENIENCE AND NECESSITY. }

APPLICATION NO. 12589-Extension

November 16, 1953

Appearances: LaVerne H. McKelvey, Esq.,
Durango, Colorado, and
R. Franklin McKelvey, Esq.,
Durango, Colorado, for
applicants;
James Brown, Esq., Farmington,
New Mexico, for Ferguson
Trucking Company;
T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.;
E. B. Evans, Esq., Denver,
Colorado, for Durango
Moving and Storage
Company.

S T A T E M E N T

By the Commission:

George McJunkin, Ignacio, Colorado, by Application No. 12587,
seeks a certificate of public convenience and necessity for the transpor-
tation of oil and gas well equipment and supplies from point to point
within a radius of fifteen miles of the Town of Ignacio, Colorado, in
La Plata County, Colorado.

By Application No. 12589, Dayton E. Percell, doing business as
"Pine River Transfer," Ignacio, Colorado, seeks a certificate of public
convenience and necessity for the transportation of cement and oil and
gas well drilling mud from point to point within a radius of fifteen miles

of the Town of Ignacio, in the County of La Plata, Colorado.

Said applications were regularly set for hearing at the Court House, Durango, Colorado, November 5, 1953, at ten o'clock A. M.

At the hearing, counsel for applicants moved to consolidate the above matters for hearing.

There being no objection thereto, said motion was granted, and said matters were heard on a consolidated record, and at the conclusion of the evidence, were taken under advisement.

At the hearing, Dayton E. Percell, Ignacio, Colorado, testified that he is the applicant in Application No. 12589, and is presently operating under PUC No. 469 and PUC No. 1044; that he was seeking extended authority to enable him to transport cement, oil, and gas well drilling mud in the vicinity of Ignacio; that this was a specialized service, rendered on "hurry-up" calls; that there was much drilling activity in the vicinity of Ignacio; that public convenience and necessity required the granting of his application; that there were many different operators now carrying on activities in the area, and that there was a demand for the transportation of oil and gas well equipment and supplies from point to point within the area, and that public convenience and necessity also required the granting of Application No. 12587 of George McJunkin, Ignacio, Colorado; that his Description of Equipment is on file with the Commission. He identified and introduced in evidence Exhibit No. 1, being his financial statement, as of November 1, 1953.

George McJunkin, Ignacio, Colorado, testified that he is the applicant in Application No. 12587; that he has had thirty years experience in trucking business; that ninety per cent of his time is employed in contracting for dirt work -- such as ditching, etc. -- for oil companies; that ten per cent of his time is used in farming; that thirty-seven wells had been drilled in the vicinity of Ignacio during the past year. He identified and introduced in evidence Exhibit No. 2, his financial statement, as of October 31, 1953. He stated that at present he held no PUC authority; that there was a need for authority to transport oil and gas well equipment, pipe, and Christmas Trees, etc., from point to point

within the fifteen-mile radius of Ignacio; that there were many companies operating in the area, and emergency calls were received throughout the twenty-four-hour period, seven days a week; that he is the owner of the following equipment:

- 1 KBL International 1949 5-ton tractor
- 1 1952 Chevrolet 2-ton tractor
- 1 1946 Chevrolet 2-ton tractor
- 1 1952 Chevrolet $\frac{1}{2}$ -ton pick-up
- 1 1949 Willys Jeep 1-ton pick-up
- 1 low-boy float semi-trailer
- 1 high-bed float semi-trailer;

that most of the work was being done away from highways, but that since a State Highway crossed the oil field, he needed FUC authority to render the desired service; that public convenience and necessity required the granting of both his application and that of the Pine River Transfer.

Upon cross-examination, applicant testified that most of the oil field supplies came out of Durango, Denver, or Farmington; that there was no supply house in Ignacio; that all rigs were presently staked; that Ferguson Trucking Company had trucks stationed in Durango, Colorado.

W. C. Wunnicke, Ignacio, Colorado, testified that he is employed as a "Farm Boss" for Stanolind Oil and Gas Company; that thirty wells had been drilled in the Ignacio area since February; that public convenience and necessity required the granting of both the application of Pine River Transfer and George McJunkin; that it cost from \$500 to \$850 per day for a shut-down, and there was urgent need for the service for which applications were being made, in order to avoid such loss to drilling companies; that his company was not using Ferguson's service; that it had used Lee's service; that the service was satisfactory, with certain limitations; that, in his opinion, there was no conflict between the two applications, and he urged the granting of both.

Attorney for Applicant McJunkin moved to amend the application to limit it to service within the area, as requested, to oil and gas well equipment and supplies not to exceed four tons net weight for any one order or bill of lading, except as to roust-about work, and as to such roust-about work, any and all oil and gas well equipment and supplies incidental to such roust-about work there shall be no limitation as to weight on any

one call or order.

Whereupon, protest to the McJunkin Application, No. 12587, was withdrawn.

There was no protest to the granting of the application of Dayton E. Percell, doing business as "Pine River Transfer," Ignacio, Colorado.

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

It did not appear from the testimony that the granting of either application would impair the efficiency of any common carrier authorized to render service in the territory sought to be served by applicants herein.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the granting of the instant applications, 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 common carrier motor vehicle call and demand transportation service of George McJunkin, Ignacio, Colorado, for the transportation of oil and gas well equipment and supplies, not to exceed four tons net weight for any one order or bill of lading, except as to roust-about work, and as to such roust-about work, on the transportation of any and all oil and gas well equipment and supplies incidental to such roust-about work, there shall be no limitation as to weight on any one call or order, from point to point within a radius of fifteen miles of the Town of Ignacio, La Plata County, 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 (20) days from the date hereof.

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.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Dayton E. Percell, doing business as "Pine River Transfer," Ignacio, Colorado, under PUC No. 469, for the transportation of cement and oil and gas well drilling mud from point to point within a radius of fifteen miles of the Town of Ignacio, La Plata County, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

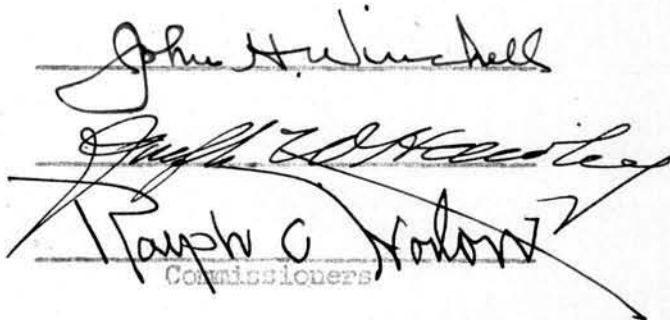
The applicant shall file tariffs of rates, rules, and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from the date hereof.

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-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ELDON LEFFEL, DOVE CREEK, COLORADO,
FOR AUTHORITY TO EXTEND OPERATIONS
UNDER PERMIT NO. B-4292-I.

APPLICATION NO. 12585-PP-Extension

November 16, 1953

Appearances: LaVerne H. McKelvey, Esq.,
Durango, Colorado,
R. Franklin McKelvey, Esq.,
Durango, Colorado, and
Guy B. Dyer, Jr., Esq.,
Dove Creek, Colorado,
for applicant.

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 uranium and vanadium ore between points within a radius of seventy-five miles of Dove Creek, Colorado, to Durango, Uravan, and Naturita, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Durango, Colorado, November 5, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he desires to serve only one customer, viz., William R. McCormick, Dove Creek, Colorado, and presented as Exhibit No. 1, a sworn statement by William R. McCormick that he desired to have Eldon Leffel haul his ore from his mining operations in the Slick Rock Area of San Miguel County, Colorado.

Applicant further testified that he is the owner of a three-ton 1951 Ford Dump Truck, which he proposes to use in this operation; that his net worth is approximately \$15,000.00; that he is now the holder of Permit No. B-4292-I.

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

From the testimony, it did not appear to the Commission that the granting of the authority sought would impair the ability of any common carrier operating in the area to render adequate service.

F I N D I N G S

THE COMMISSION FINDS:

That Eldon Leffel, Dove Creek, 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 uranium and vanadium ore between points within a radius of seventy-five miles of Dove Creek, Colorado, to Durango, Uravan, and Naturita, Colorado.

That service herein authorized shall be rendered for one customer, only, viz., William R. McCormick, Dove Creek, Colorado, without the right to add to the number of customers served without permission from this Commission so to do first having been obtained.

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

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

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

That operating rights herein granted shall be known as
"Permit No. B-4292."

This Order shall become effective twenty-one (21) days from

the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winkler
Joseph W. McCool
Ralph C. Hobart
Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1953.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
L. D. MC MAHAN, HAYFIELD, COLORADO,
FOR A CLASS "B" PERMIT TO OPERATE
AS A PRIVATE CARRIER BY MOTOR VE-
HICLE FOR HIRE.

APPLICATION NO. 12588-PP

November 16, 1953

Appearances: Lewis M. Perkins, Esq., Durango,
Colorado, for Telluride
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 vanadium ore, in intrastate commerce, between points within a radius of fifty miles of Naturita, Colorado.

Said application was regularly set for hearing at the Court House, Durango, Colorado, November 5, 1953, 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.

Lewis M. Perkins, Esq., on behalf of Telluride Transfer, stated that he did not know whether Telluride Transfer had any desire to haul uranium ore from points off of the highway, or whether the instant application would conflict with its authority.

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

It did not appear that the granting of said permit and operations by applicant thereunder would tend to impair the efficiency of any common carrier service with which applicant will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be granted.

O R D E R

THE COMMISSION ORDERS:

That L. D. McMahan, Bayfield, 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 vanadium ore, in intrastate commerce, between points within a radius of fifty miles of Naturita, Colorado.

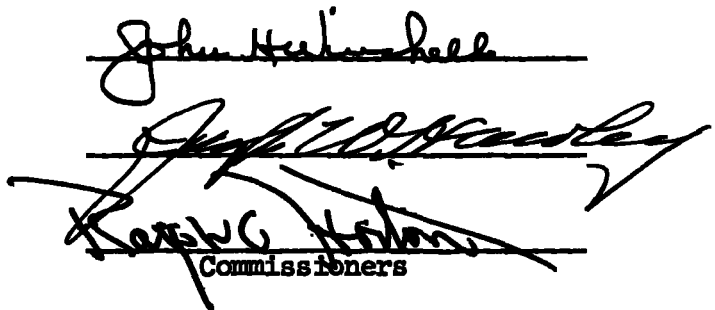
All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DEWEY STORY, PAGOSA SPRINGS, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-)
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE,)

APPLICATION NO. 12591-PP

November 16, 1953

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of timber between points in Burns Valley, southwest of Pagosa Springs, Colorado, to sawmills two miles east of Pagosa Springs, Colorado, over Route No. 160.

Said application was regularly set for hearing at the Court House, Durango, Colorado, November 5, 1953, 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.

From the files, it appears that applicant is the owner of the following equipment:

one 1947 Dodge two-ton tractor,
one 1945 one and one-half-ton shop-made trailer,
one 1948 two and one-half-ton Dodge Tractor,
one 1942 shop-made one and one-half-ton trailer;

that he has an oral contract with C. A. Day & Son, of Pagosa Springs, Colorado, to employ his services, in the event the instant application is granted.

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 applicant will compete.

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 Dewey Story, Pagosa Springs, 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 between points in Burns Valley (southwest of Pagosa Springs, Colorado), to sawmills two miles east of Pagosa Springs, Colorado, over Route No. 160.

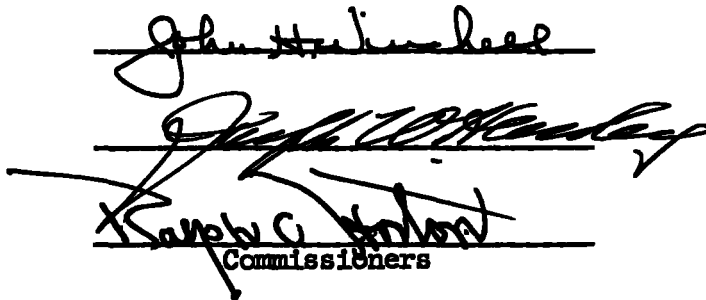
All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLINTON R. CLIFT, NATURITA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

APPLICATION NO. 12610-PP

November 16, 1953

Appearances: Clinton R. Clift, Naturita,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 4, 1953, Clinton R. Clift, of Naturita, Colorado,
(formerly of 1019 Whipple Street, Canon City, Colorado), filed his appli-
cation for a Class "B" permit to operate as a private carrier by motor
vehicle for hire for the transportation of:

ore from mines located within a radius of 150 miles
of Naturita, Colorado, to mills in Naturita, Colo-
rado and Durango, Colorado; transportation of sand,
gravel and other road-surfacing materials used in
the construction of roads and highways from pits and
supply points in the State of Colorado, to road jobs
within a radius of 50 miles of said pits and supply
points, and for the transportation of sand, gravel,
dirt, stone and refuse from and to building construc-
tion jobs to and from points within a radius of 50
miles of said jobs, excluding service in Boulder,
Clear Creek and Gilpin Counties.

The matter was regularly set for hearing, and heard, on
November 10, 1953, at the Court House, Pueblo, Colorado, and at the con-
clusion of said hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant presently
operated two pieces of equipment and has a net worth of approximately \$7,660.

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 services of any common car-
riers operating in that area.

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 Clinton R. Clift, of Naturita, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

ore from mines located within a radius of 150 miles of Naturita, Colorado, to mills in Naturita, Colorado and Durango, Colorado; transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

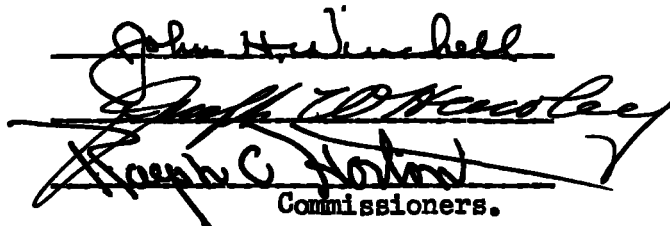
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
W. L. NORRIS, SILOAM STAR ROUTE,)	
PUEBLO, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 12612-PP</u>
PERMIT TO OPERATE AS A PRIVATE CAR-)	
RIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

November 16, 1953

Appearances: Mrs. W. L. Norris, Pueblo,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On June 2, 1953, W. L. Norris, Siloam Star Route, Pueblo, Colorado, the 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:

sand, gravel, and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

The matter was regularly set for hearing, and heard, on November 10, 1953, at ten o'clock A. M., at the Court House, Pueblo, Colorado, and at the conclusion of said hearing, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that applicant has a net worth of approximately \$5,000.00, and owns ample equipment to carry on his proposed operation.

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 W. L. Norris, Siloam Star Route, Pueblo, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

sand, gravel, and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Churchill
Joseph C. Hawley
Ralph C. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 16th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAMON AND AMBROSE RODRIGUEZ, CO-)
PARTNERS, DOING BUSINESS AS "RODRI-)
GUEZ BROTHERS GENERAL HAULING," 716) APPLICATION NO. 12614
EAST 2ND, PUEBLO, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

November 16, 1953

Appearances: Ramon Rodriguez, and Ambrose
Rodriguez, Pueblo, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On September 28, 1953, the above-named applicants filed with
this Commission their application to operate as a common carrier by
motor vehicle for hire, for:

(a) The calling for, picking up, hauling away,
dumping, general disposition of trash, ashes, dirt,
rubbish, refuse, and other waste materials, and
general transportation of same from the Post Office
at Pueblo, Colorado and a radius of fifteen miles
therefrom as point of pickup or origin, and to all
points within the County of Pueblo as destination
or points of disposal.

(b) For the general transportation, movement, hauling
and carrying of sand, gravel, aggregate, other road
and construction materials and fertilizer from any
points of origin of Pueblo County to any other points
of disposition or destination in Pueblo County. The
area and intended operation of the applicant being
the roads, highways, streets, private and public,
within the County of Pueblo and over no fixed route
other than those legally established for the operation
of applicant's business to and from such points as may
legally be designated as dump grounds, and for any other
points within the radius heretofore set forth that may
be hereafter designated as public dumping grounds.

Said application, pursuant to prior setting, after appropriate
notice to all parties in interest, was heard at the Court House in Pueblo,
Colorado, on November 10, 1953, and, at the conclusion of the evidence, the
matter was taken under advisement.

The evidence disclosed that applicants are a co-partnership, having ample equipment to carry on their proposed operation. The operating experience and financial responsibility of applicants were established to the satisfaction of the Commission.

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 public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicants herein.

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 Ramon and Ambrose Rodriguez, a co-partnership, doing business as "Rodriguez Brothers General Hauling," 716 East 2nd, Pueblo, Colorado, for:

(a) The calling for, picking up, hauling away, dumping, general disposition of trash, ashes, dirt, rubbish, refuse, and other waste materials, and general transportation of same from the Post Office at Pueblo, Colorado and a radius of fifteen miles therefrom as point of pickup or origin, and to all points within the County of Pueblo as destination or points of disposal.

(b) For the general transportation, movement, hauling and carrying of sand, gravel, aggregate, other road and construction materials and fertilizer from any points of origin of Pueblo County to any other points of disposition or destination in Pueblo County. The area and intended operation of the applicant being the roads, highways, streets, private and public, within the County of Pueblo and over no fixed route other than those legally established for the operation of applicants' business to and from such points as may legally be designated as dump grounds, and for any other points within the radius heretofore set forth that may be hereafter designated as public dumping grounds,

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

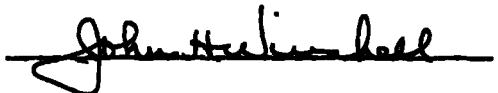

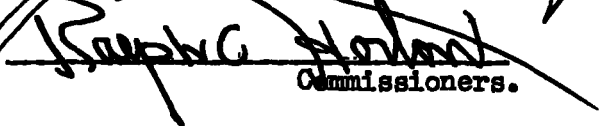
That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

That this order is subject to compliance by applicants 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




Commissioners.

Dated at Denver, Colorado,
this 16th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND STURTEVANT, 1829 EAST 4TH)
STREET, PUEBLO, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 12615

November 16, 1953

Appearances: Raymond Sturtevant, Pueblo,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On April 20, 1953, Raymond Sturtevant, of Pueblo, Colorado, applicant herein, filed his application with the Commission, requesting authority to establish service for the transportation of trash between Pueblo, Colorado, a municipal corporation, and the Pueblo City Dump, and intermediate points.

The matter was set for hearing, and heard, November 10, 1953, at the Court House, Pueblo, Colorado, and at the conclusion of the evidence, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that the City Dump is located out of the Corporate Limits of Pueblo, Colorado, within a radius of ten miles of the City Limits, and in order to reach said City Dump, it is necessary to travel and drive upon U. S. Highways Nos. 50, 85, and 87, on what is known as the "Free-way," north of Pueblo, Colorado.

The evidence further disclosed that applicant does not wish to operate on schedule, but on call and demand, and desires to use two pieces of equipment in said operation. He testified that there is a distinct need for his services in the area requested, and he is financially able, and qualified by experience, to carry on his proposed operation.

Inasmuch as no one appeared in opposition to the granting of the authority herein sought, the Commission is of the opinion that this service is needed, and that a certificate of public convenience and necessity should issue therefor.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the granting of the proposed motor vehicle common carrier call and demand 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 common carrier motor vehicle call and demand service of Raymond Sturtevant, Pueblo, Colorado, for the transportation of trash, between Pueblo, Colorado, and the Pueblo City Dump, and intermediate points, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

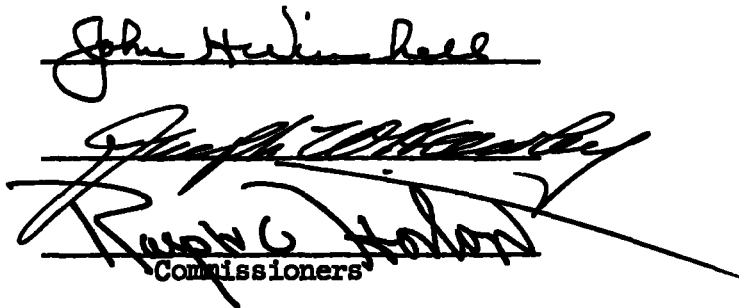
The applicant shall file tariffs of rates, rules, and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

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

This Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
GUS AUGUST, BOX 90, WALSENBURG,
COLORADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 12626-PP

November 16, 1953

Appearances: Gus August, Walsenburg, Colo-
rado, pro se;
Ernest U. Sandoval, Esq.,
Walsenburg, Colorado,
for Levy's Transfer and
Storage Company.

S T A T E M E N T

By the Commission:

On May 15, 1953, Gus August, 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 coal and wood between points within a radius of fifty miles of Walsenburg, Colorado.

Said matter was regularly set for hearing, and heard, at the Court House, Pueblo, Colorado, on November 10, 1953, 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 small truck, and desires to haul coal for sixty-five of the employees of a coal mine located near Walsenburg, and also to haul wood from the mountains near Walsenburg to the same people. It also appears that applicant is employed at the coal mine, and would do this type of hauling on weekends.

No one appeared in support of the instant application, while, on the other hand, Levy's Transfer and Storage Company appeared at the hearing and vigorously protested the granting of the instant application. Protestant stated that Huerfano County has an approximate population of 9,000, and that there is a truck registered in said county for every nine

people; that the present carriers are having a hard time, as there is not sufficient business to keep them operating, and that the granting of any further private carrier permits in the Walsenburg Area would impair their services.

On a number of occasions, the Commission has held that in order to secure a private carrier permit, when the application is protested by common carriers, it is necessary that applicant have witnesses to testify they need applicant's proposed service. It must appear to the Commission that the granting of the private carrier authority will not impair the services of common carriers authorized to serve the area. Applicant, in the instant matter, has failed to meet that requirement, leaving the Commission no alternative but to deny said application.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied, for the reasons heretofore set forth in the preceding Statement, which, by reference, is made a part of these Findings.

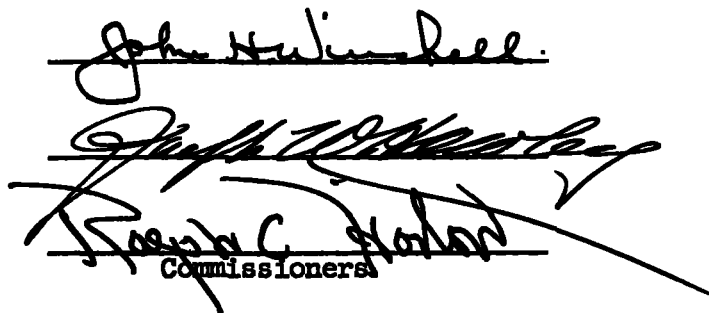
O R D E R

THE COMMISSION ORDERS:

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

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
G. M. GALE, 2253 WEST THIRD AVENUE,)	
DURANGO, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 12582-PP</u>
PERMIT TO OPERATE AS A PRIVATE CAR-)	
RIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

November 16, 1953

Appearances: G. M. Gale, Durango, Colorado,
pro se;
T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

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 cement from Portland, Colorado, to Durango, Colorado; wheat between points 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 at the Court House, Durango, Colorado, November 5, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, G. M. Gale, applicant herein, testified that he is the owner and operator of a wagon coal mine in Hay Gulch; that the mine keeps him busy in the winter-time; that he desires authority to supplement his income in the summer-time; that he is the owner of a three-ton International 1953 Dump Truck; that his net worth is approximately \$40,000.00; that he has had twenty years trucking experience; that he desires to transport wheat between points within a radius of fifty miles of Durango, Colorado, and sacked cement from Portland, Colorado, to Durango, Colorado, for Super Lite Block Company, Durango, Colorado; that he only desires to transport cement in the summer-time; that he had hauled six loads of from 250 to 300 sacks each, for C. Lawrence Zufelt last summer; that he received 46¢ a sack;

that he operated under emergency letters from Zufelt, who has a Commercial Carrier Permit; that he desired to transport wheat for various farmers in the area to Durango elevators during the harvest season; that he would file a list of customers with the Commission if the authority sought is granted.

C. Lawrence Zufelt testified in support of the application, stating that he is engaged in the manufacture of pumice blocks; that he uses approximately 7,000 sacks of cement per year; that his is a year-round operation, except for the Months of December, January, and February; that he had purchased cement from the Montezuma Truck Lines, but that he desired Gale to have the authority, in order that he might render better service for Zufelt; that he had paid Gale 46¢ a sack for transportation of cement; that he would not pay 70¢ a sack, which is the prescribed rate from Portland to Durango.

Ralph Turano, Traffic Manager for Rio Grande Motor Way, Inc., testified in opposition to the granting of the instant application, stating that Rio Grande Motor Way offered daily service on sacked cement from Portland to Durango, Colorado, in any quantity; that he thought the rate was 67¢ per bag, on 20,000-pound minimum shipments; that Southwestern Transportation Company, Watson Brothers, and the railroad also offered service on sacked cement from Portland to Durango; that there was no need for additional authorities; that the business would not be profitable at 46¢ a sack.

Rio Grande Motor Way did not protest authority to transport wheat.

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

The only customer-witness testified that he was not willing to pay applicant the prescribed rate for the transportation of sacked cement, and from the testimony, it does not appear to the Commission that there is any need for additional authority for the transportation of cement in the territory sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for the transportation of wheat, as set forth in the Order following.

That said application, in all other respects, should be denied.

O R D E R

THE COMMISSION ORDERS:

That G. M. Gale, Durango, 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 wheat between points 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.

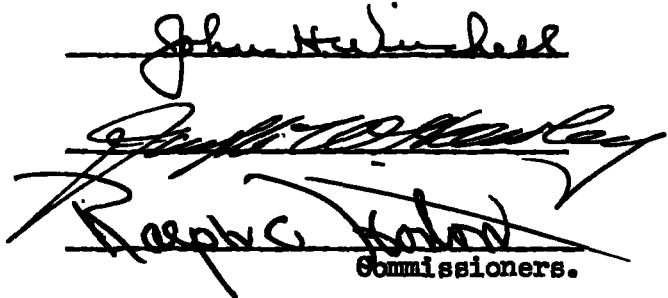
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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.

That, in all other respects, the instant application 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


Commissioners.

Dated at Denver, Colorado,
this 16th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RAYMOND T. HOLLIDAY, 13 MILES NORTH-)	
WEST OF MANCOS, COLORADO, FOR A)	<u>APPLICATION NO. 12584-PP</u>
CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	
-----)	

November 16, 1953

Appearances: Raymond T. Holliday, Mancos,
Colorado, pro se.

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 logs within a radius of fifty miles of any sawmill in the State of Colorado.

Pursuant to prior setting, after appropriate notice to all parties in interest, said application was heard at the Court House, Durango, Colorado, November 5, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is presently operating under a letter of temporary authority from this Commission; that he is the owner of two 1952 Chevrolet tractors, and one 1953 Chevrolet tractor; that he has had thirty years experience in trucking operations; that his net worth is approximately \$75,000.00; that he has a written contract with the Chicago Mills, South Fork, Colorado, to employ his services if this authority is granted.

No one appeared to protest the granting of the authority sought.

The financial responsibility and operating dependability 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 under the authority herein granted, 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 Raymond T. Holliday, Mancos, 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 logs from point to point within a radius of fifty miles of any sawmill in the State of 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. H. H. H.

Joseph T. H. H. H.

Ralph C. H. H. H.
Commissioners.

Dated at Denver, Colorado,
this 16th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WOODROW DUNLAP, VIRGINIA NAY DUNLAP,)
LEE COX, AND JULIA COX, DOING BUSI-)
NESS AS "SAN JUAN SUPPLY," PAGOSA)
SPRINGS, COLORADO, FOR AN EXTENSION)
OF PUC NO. 1255.)
-----)

APPLICATION NO. 12590-Extension

November 16, 1953

S T A T E M E N T

By the Commission:

When the above-styled application was called for hearing, pursuant to prior setting and appropriate notice to all parties in interest, at the Court House, Durango, Colorado, at 10:00 o'clock A. M., November 5, 1953, Lee Cox, appearing in behalf of applicants, requested that said hearing be vacated, which request was granted, and further requested that the instant application be re-set for hearing at a later date convenient to the Commission, with notice to all parties in interest.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application shall be re-set for hearing at a future date, with notice to all parties in interest.

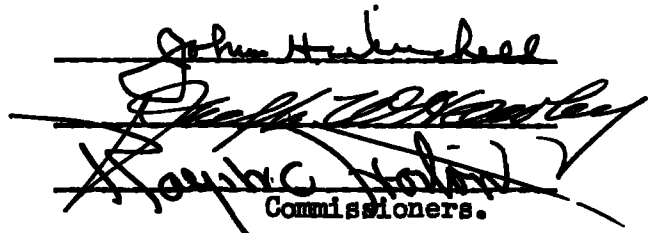
O R D E R

THE COMMISSION ORDERS:

That the above-styled application shall be re-set for hearing at a future date to be determined by 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 16th day of November, 1953.

original

(Decision No. 41542)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. L. KERRIGAN, E. N. KERRIGAN, AND)
K. L. KERRIGAN, DOING BUSINESS AS)
"KERRIGAN & SONS," PENROSE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 12611-PP

November 16, 1953

Appearances: E. L. Kerrigan, Penrose,
Colorado, for applicants;
Paul M. Hupp, Esq., Denver,
Colorado, for Verl Harvey;
John M. Boyle, Esq., Salida,
Colorado, for Eveready
Freight Service;
Stanley Blunt, Canon City,
Colorado, for Southwestern
Transportation Company.

S T A T E M E N T

By the Commission:

On July 28, 1953, E. L. Kerrigan, E. N. Kerrigan, and K. L. Kerrigan, doing business as "Kerrigan & Sons," Penrose, Colorado, filed their application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of cement in bulk or sacks from Portland Cement Company at Portland, Colorado, to Climax, Colorado.

The above application was set for hearing, and heard, at the Court House in Pueblo, Colorado, on November 10, 1953, and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, E. L. Kerrigan, testifying on behalf of applicants, stated that they were operating under a co-partnership, and were presently able to buy equipment to carry on their proposed operation. The witness stated he had contacted the Superintendent of the Climax Molybdenum Mine, who stated that if he (Kerrigan) could obtain authority, he would give the cement haul to him.

Applicants, however, had no customer-witnesses to testify as to their need for applicants' proposed service. The application was vigorously protested by Shirley Avery of Eveready Freight Service and Stanley Blunt of Southwestern Transportation Company. Mr. Avery stated he had occasional calls for service under his certificate from Portland to Climax, and had equipment to take care of all cement hauls to Climax. Mr. Blunt, however, stated he had contacted the management of the Climax mine and was presently making the cement haul for that company; that, to take care of this haul, he had purchased approximately \$25,000 worth of new equipment and had handled the transportation of cement from Portland to the Climax mine for the past few months, and had received no complaints as to the service he rendered. He stated that, if this application is granted, he might lose this business, and the equipment he had purchased would become idle, thereby destroying the efficiency of his present service.

The Commission, in the past, has on several occasions ruled that no private carrier permit would be granted where there was a protest by common carrier service and where the applicant had no public or customer-witnesses testifying as to their need for the proposed service. In other words, the Commission does not grant private carrier authority simply because the applicant wishes to go into the transportation business. A need for that service must be shown and, in addition, the Commission must be convinced that the granting of that application will not impair presently authorized common carrier service. It therefore appears that the Commission has no other alternative than to deny the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied.

O R D E R

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

John H. Hinchell

Joseph W. Keenley

Ralph C. Gordon

Commissioners.

Dated At Denver, Colorado,
this 16th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND R. NELSON, 2102 LA PORTE)
STREET, FORT COLLINS, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 12379-PP

November 17, 1953

Appearances: Raymond R. Nelson, Fort
Collins, 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 located within a fifty-mile radius of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; logs and lumber from sawmills within a fifty-mile radius of Fort Collins, Colorado, to Fort Collins, Colorado; baled hay between points within a fifty-mile radius of Fort Collins, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, November 12, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has been operating a trucking business for the past seven or eight years. He owns a 1950 Ford two-ton truck, with dump body, and his net worth is \$5,000.00. He wishes to haul sand, gravel, and road-surfacing materials for any contractor who wishes his service, and his application for authority to haul logs and lumber is due to the fact that he has been hauling these products for one

H. H. Hurley, who operates a sawmill near Loveland. He wishes to haul baled hay for the farmers in the radius requested when not occupied in other transportation.

No one appeared in opposition to the 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 which applicant seeks to serve.

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 Raymond R. Nelson, Fort Collins, 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 road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; logs and lumber from sawmills within a radius of fifty miles of Fort Collins, Colorado, to Fort Collins, Colorado; baled hay between points within a radius of fifty miles of Fort Collins, Colorado.

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

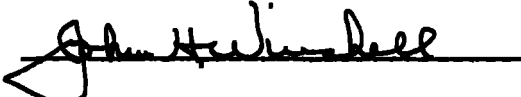
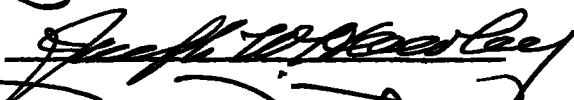

This Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, and the required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulation

of the Commission.

This Order shall become effective twenty-one (21) days from
the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 17th day of November, 1953.

mm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
JESSE C. GREER, 423 WEST MULBERRY }
STREET, FORT COLLINS, COLORADO, FOR }
AUTHORITY TO EXTEND OPERATIONS UNDER }
PERMIT NO. B-4544. }

APPLICATION NO. 12593-PP-Extension

November 17, 1953

Appearances: Jesse C. Greer, Fort Collins,
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-4544 to include the right to transport treated posts and timber products between points within a ten-mile radius of Fort Collins, Colorado, to all points in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, November 12, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that under his present authority, he was transporting timber products from Red Feather Lakes area in Larimer County to Denver and intermediate points, including Greeley, Colorado. The Western Post Company now has a treating plant four miles northwest of Fort Collins, and he desires an extension of authority so that he can haul the treated timber products from that plant to lumber yards at Longmont, Brighton, Denver, and other points. He has been performing this transportation under lease. A list of his equipment is on file, and his net worth is \$15,000.00. In addition to his present equipment, he is purchasing a 1946 Chevrolet with Fruehauf Trailer to be used in the additional transportation, if the extension is granted.

No one appeared in opposition to the granting of the authority

sought, and it did not appear that applicant's proposed extended operation will impair the efficiency of any motor vehicle 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.

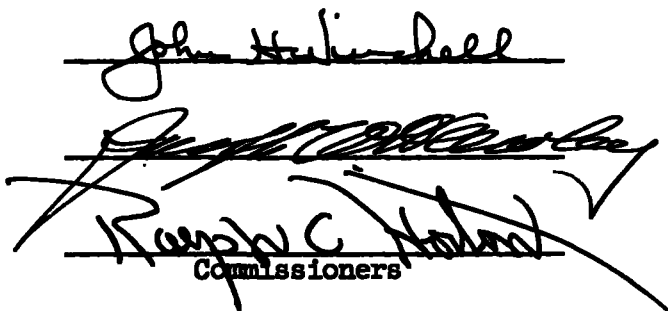
O R D E R

THE COMMISSION ORDERS:

That Jesse C. Greer, Fort Collins, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4544 to include the transportation of treated posts and timber products between points within a ten-mile radius of Fort Collins, Colorado, and from said area to all points in the State of Colorado.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 17th day of November, 1953.

original

(Decision No. 43545)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
BOYD HALL, CORTEZ, COLORADO, FOR A }
CERTIFICATE OF PUBLIC CONVENIENCE }
AND NECESSITY. }

APPLICATION NO. 12583

IN THE MATTER OF THE APPLICATION OF }
MIKE MARTINEZ, CORTEZ, COLORADO, }
FOR A CERTIFICATE OF PUBLIC CONVEN- }
IENCE AND NECESSITY. }

APPLICATION NO. 12586

November 17, 1953

Appearances: Milenski and Ping, Esqs.,
Cortez, Colorado, by
Marvin G. Ping, Esq.,
Cortez, Colorado, for
Boyd Hall;
Garrison and Dilts, Esqs.,
Cortez, Colorado, by
Julian P. Hancock, Esq.,
Cortez, Colorado, for
Mike Martinez.

S T A T E M E N T

By the Commission:

The above-styled applications were regularly set for hearing before the Commission at ten o'clock A. M., November 5, 1953, at the Court House, Durango, Colorado, at which time and place attorneys for applicants moved to consolidate the applications for hearing.

There being no objection, the motion was granted.

By Application No. 12583, Boyd Hall, Cortez, Colorado, seeks a certificate of public convenience and necessity authorizing operation of a taxicab service in the City of Cortez, Colorado, and within a radius of fifty miles of the City of Cortez, and operation of a transfer service in the City of Cortez and within a radius of five miles of the City of Cortez, Colorado. Applicant requests that in the event this application is granted, operating rights granted shall bear the number "FUC No. 1689,"

being the number of a certificate formerly held by him.

By Application No. 12586, Mike Martinez, Cortez, Colorado, seeks a certificate of public convenience and necessity to transport property transported to Cortez, Colorado, by air, from airports located within a radius of six miles of Cortez, Colorado, to points within the corporate limits of the City of Cortez, Colorado, on the one hand, and to transport property from within the corporate limits of the City of Cortez, Colorado, to airports located within a radius of six miles of the City of Cortez, Colorado, on the other hand.

At the hearing, Mike Martinez, applicant in Application No. 12586, testified that he had lived in Cortez for a period of six months, then was away for a period of six years, and since that time had lived for the past five years in Cortez; that he presently holds the contract for the transportation of United States Mail between the airport at Cortez, Colorado, to the Post Office in Cortez, Colorado; that he is the Cortez Agent for The Denver Post, which he transports from the airport to newspaper carriers in Cortez; that he is the owner of a 1950 Chevrolet pick-up truck, which he proposes to use in this operation; that he has had twelve years experience in truck operations; that he receives \$1.44 per trip for the mail, and makes four trips a day; that he receives 25¢ per package for express shipments, and has an income of \$50.00 a week from the transportation service; that he originally applied for authority to transport passengers, but deleted the passenger service from his application. He identified and offered in evidence Exhibit No. 1, a map; Exhibit No. 2, his financial statement, and asked permission to withdraw Exhibit C attached to his application, which listed competing carriers operating taxicab service. He stated that public convenience and necessity required the type of service he was seeking to render, and that no one else was presently authorized to render such service.

Boyd Hall, Cortez, Colorado, applicant in Application No. 12583, testified that he had lived in Cortez for forty years; that he had previously held authority (PUC No. 1689), which authorized transportation of:

passengers and their baggage, on call and demand, and taxicab service, in Cortez, Colorado, and between points within (and including) a radius of fifty miles of Cortez, Colorado, applicant's equipment to be limited to six-passenger automobiles, and for transportation of passengers between points served by line-haul motor vehicle common carriers of passengers, rates are to be on the basis of twenty-five cents per mile one way, with fare and a half for round-trip for one passenger with one-half fare extra for each passenger in addition to a single 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 six years of age when accompanied by a paying passenger, and children between the ages of six and twelve years, when accompanied by a paying passenger, shall be charged one-half fare, only.

On call and demand, transfer and delivery business within the Town of Cortez, Colorado, and from Cortez to points within a radius of five miles of Cortez, Colorado, and from point to point within said radius, and from points within said radius to Cortez, Colorado,

but that the authority had been revoked for failure to comply with the rules and regulations of The Public Utilities Commission of the State of Colorado; that he was seeking re-issuance of the authority which he had previously held, since public convenience and necessity required service of that nature for the citizens of Cortez; that he owns the following pieces of equipment:

- one 1950 four-door Plymouth Sedan
- one 1952 four-door Plymouth Sedan.
- one 1937 one-ton International Pick-up.

He identified and offered in evidence Exhibit No. 3, his financial statement, as of May 4, 1953, and testified that there had been no material change in his financial condition since that date.

Dean P. Hanson, Manager of the Chamber of Commerce of Cortez, Colorado, testified that there was a need for taxicab service in Cortez, and surrounding area; that, in his opinion, the transfer services from point to point within Cortez were adequate, but that there was a need for service for the transportation of passengers and their baggage, and for air express and freight shipments between Cortez and the airport.

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

F I N D I N G S

THE COMMISSION FINDS:

1. That public convenience and necessity require the proposed motor vehicle common carrier service of Boyd Hall, as requested in Application No. 12583, and that certificate of public convenience and necessity should issue therefor.

That said operating rights herein granted to said Boyd Hall, Cortez, Colorado, should bear the number "PUC No. 1689," being the number of a certificate formerly held by said applicant.

2. That public convenience and necessity require the proposed motor vehicle common carrier service of Mike Martinez, Cortez, Colorado, as requested in Application No. 12586, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

1. That public convenience and necessity require the motor vehicle common carrier call and demand service of Boyd Hall, Cortez, Colorado, for the operation of a taxicab service in the City of Cortez, Colorado, and within a radius of fifty miles of the City of Cortez, Colorado, and operation of a transfer service in the City of Cortez and within a radius of five miles of said City of Cortez, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules, and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

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

This Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That operating rights herein granted Boyd Hall shall bear the number "PUC No. 1689."

2. That public convenience and necessity require the motor vehicle common carrier call and demand service of Mike Martinez, Cortez, Colorado, for the transportation of express and freight transported to Cortez, Colorado, by air, or to be transported from Cortez, Colorado, by air, from and to airports located within a radius of six miles of Cortez, Colorado, to and from points within the Corporate Limits of the City of Cortez, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

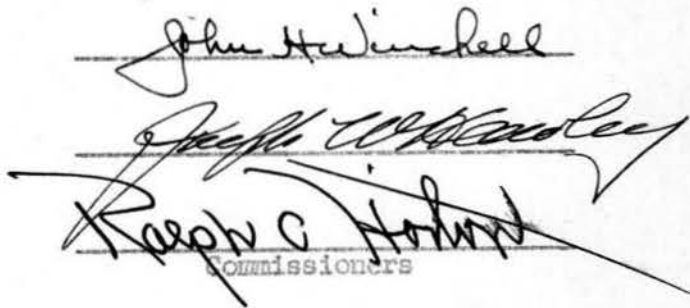
The applicant shall file tariffs of rates, rules, and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

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

This Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 17th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHRISTINE M. MELCHIOR, 2040 4TH)
AVENUE, GREELEY, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 12595-PP

November 17, 1953

Appearances: Christine M. Melchior, Greeley,
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 used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, 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 the Court House, Greeley, Colorado, November 12, 1953, at 10:00 o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that she has been hauling road surfacing materials under temporary authority from this Commission for the C. L. Hebner Construction Company and wishes to serve any contractor that desires her service. She owns a 1952 2-ton GMC truck and a 1950 1½-ton GMC truck with dump bodies.

No one appeared in opposition to the 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 which applicant seeks to serve.

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 Christine M. Melchior, Greeley, Colorado, should be, and she hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties.

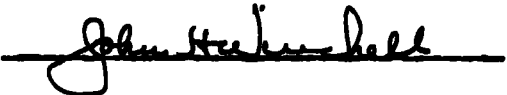
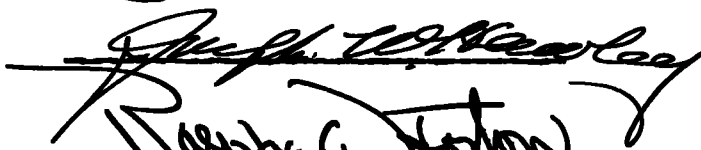
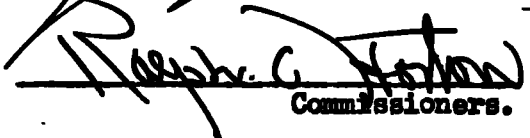
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of her 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 her compliance with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ERNEST W. MUNROE, ROUTE 2, BOX 273,)
FORT COLLINS, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 12596-PP

November 17, 1953

Appearances: Ernest W. Munroe, Fort Collins,
Colorado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for Sorenson Truck
Service.

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, clay, shales, limestone, earth samples and related products; also plant machinery and construction machinery to the Ideal Plant at La Porte, Colorado, from sources of supply over the State of Colorado, for the Ideal Cement Company and subsidiaries only.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, November 12, 1953, at 10:00 o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is a contractor and also operates a gypsum quarry located about 31 miles north of Fort Collins. He has leased the mineral rights and sells the gypsum to the Ideal Cement Company at La Porte. This Company has established research laboratories in La Porte and has various farms in the vicinity. They bring to the laboratories clay, shale, limestone, earth samples and related products from the farms and from other places in the State located by their geologists or reported to them as likely prospects from which these materials may be obtained for the research laboratory. A list of his equipment is

on file with the Commission in connection with his commercial permit. As to his request for the transportation of plant machinery and construction machinery, he stated that there was an occasional movement from the plants of the Ideal Cement Company at Portland or La Porte or from the farms of the Company for repair or relocation. The Company has been using its own equipment to a great extent in transporting the products referred to, which are all hauled as raw materials to the La Porte plant with no movement of cement involved from the plant. In the transportation of machinery, the Company has used other common carriers, including the railroad. Applicant has ample equipment to perform the transportation requested and his net worth is \$50,000.00.

David Howe, Plant Manager of the Ideal Cement Company at La Porte, corroborated the testimony of applicant. He stated that his Company needs the service of applicant in transporting raw materials to the La Porte plant from many points recommended by its geologists. It has a two and one-half year contract with applicant for the transportation of gypsum from his lease. The plant and construction machinery referred to by applicant belongs to the Company and occasionally must be transported to one of its farms or to its Portland plant or to Denver for repairs. On a recent occasion, it had occasion to move certain machinery, but applicant was not authorized to perform the service. Witness called in Union Pacific and was advised to obtain the service of a common carrier and, after certain delay, was able to have the machinery moved by a common carrier who had the necessary authority. There was a loss of 48 hours in obtaining the service, which resulted in a partial shut down of the La Porte Plant. The Company has had one or two shipments per year by rail, but has not used the service of motor common carriers, except in the instance referred to. The movement of plant machinery and construction machinery is essentially an emergency movement and, when such a movement is required, the Company needs some one who can give immediate service.

No testimony was offered in opposition by the protestant.

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

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 Ernest W. Mumroe, Fort Collins, 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 gypsum, clay, shales, limestone, earth samples and related products; also plant machinery and construction machinery to the Ideal Plant at La Porte, Colorado, from sources of supply over the State of Colorado, for the Ideal Cement Company and subsidiaries 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.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hines
Joseph C. Stetson
Joseph C. Stetson
Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1953.

nlc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN ORTEGA, CRESENCIO ORTEGA AND)
DAVID ORTEGA, 302 - 12TH AVENUE,) APPLICATION NO. 12597-PP
GREELEY, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)
-----)

November 17, 1953

Appearances: Cresencio Ortega, Greeley,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Greeley.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, November 12, 1953, at 10:00 o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Cresencio Ortega testified that he and his brothers, John and David, have formed a partnership for the purpose of carrying on the transportation business they request. They have purchased a 2-ton 1949 Chevrolet dump truck, the title of which is in the name of

all three partners. Their net assets amount to about \$9,000.00. They have been hauling road-surfacing materials for L. J. Hesser, a contractor of Greeley, under temporary authority and wish to serve contractors during the summer months and haul coal from the mines in the northern Colorado coal fields to Greeley in the winter months. They now have a request to begin hauling coal for one Frank Tegtman of Greeley and wish to begin serving him at once.

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

It did not appear that the proposed service of applicants will impair the efficiency of any common carrier service operating in the territory which applicants seek to 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 John Ortega, Cresencio Ortega and David Ortega, Greeley, Colorado, co-partners, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Greeley.

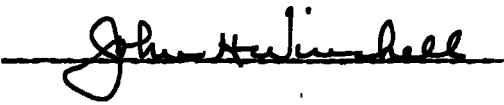
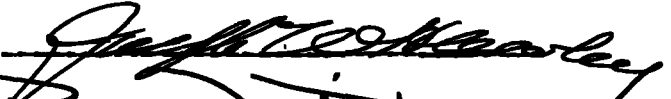
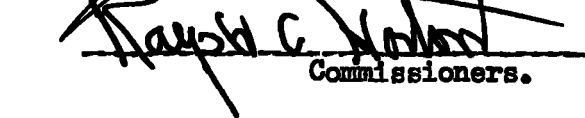
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of thier 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




Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GEORGE W. RIGEL, ROUTE 3, BOX 35-C,)	
GREELEY, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE CAR-)	<u>APPLICATION NO. 12598-PP</u>
RIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

November 17, 1953

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 used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Said application was regularly set for hearing at the Court House, Greeley, Colorado, November 12, 1953, at ten o'clock A. M., due notice of the time and place being forwarded to all parties in interest.

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

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.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
VERNON SHUNN, BOX 32, LA PORTE,)	
COLORADO, FOR A CLASS "B" PERMIT TO)	<u>APPLICATION NO. 12599-PP</u>
OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	
-----)	

November 17, 1953

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 road-surfacing materials between points within a 75-mile radius of Fort Collins, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application was regularly set for hearing at the Court House, Greeley, Colorado, November 12, 1953, at ten o'clock A. M., due notice of the time and place being forwarded to all parties in interest.

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

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 Vernon Shunn, La Porte, 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 road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 75 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 75 miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

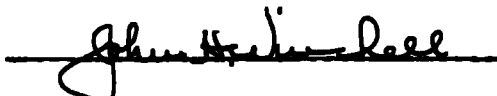
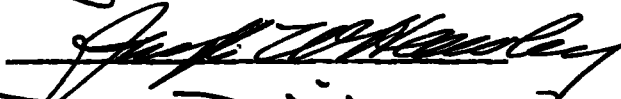
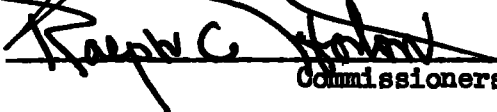
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BURL ATKERSON, GILCREST, COLORADO,)	
FOR A CLASS "B" PERMIT TO OPERATE)	<u>APPLICATION NO. 12623-PP</u>
AS A PRIVATE CARRIER BY MOTOR VE-)	
HICLE FOR HIRE.)	
-----)	

November 17, 1953

Appearances: Burl Atkerson, Gilcrest,
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 beans, grain and hay from farms within a radius of 50 miles of Gilcrest to farms, feed lots, and storage points in said area.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, November 12, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he operates a combine and a portable hay grinder and needs the service applied for so that he can move grain and hay for the grinder and also furnish his customers with service in transporting beans, grain and hay from farms within the radius requested to farms, feed lots and storage points in the same area. He uses in his work, and will use for this transportation, a 1949 Studebaker 1½-ton truck and a 1947 International 1½-ton truck, both equipped with grain boxes. His net worth is \$25,000.00.

No one appeared in opposition to the 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 which applicant seeks to serve.

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 Burl Atkerson, Gilcrest, 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 beans, grain and hay from farms within a radius of 50 miles of Gilcrest to farms, feed lots, and storage points in said area.

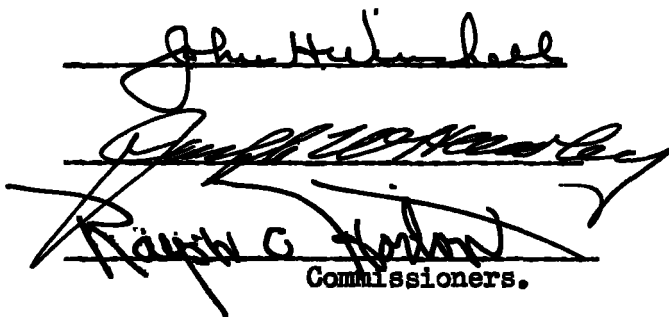
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of 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


Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1953.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CARL PULS, ROUTE 1, BOX 89, FORT)	
COLLINS, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 12627-PP</u>
PERMIT TO OPERATE AS A PRIVATE CAR-)	
RIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

November 17, 1953

Appearances: Carl Puls, Fort Collins,
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 lumber and forest products from forest and mills to supply points; and hay from farm to farm and farm to market, with no town to town transportation, between points within a radius of 50 miles of Fort Collins, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, November 12, 1953, at 10:00 o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has had several years experience in the transportation of lumber and forest products in the State of Wyoming, and now owns a farm near Fort Collins. He owns a 1946 2-ton Chevrolet truck with flat bed, and his net worth is \$12,000. One Paul Weitzel of Loveland operates a sawmill 20 miles west of Loveland and has requested applicant to make three trips per week hauling the lumber and forest products from this mill to Fort Collins. Applicant also wishes authority for the haul haul so that he can utilize his equipment when the other service requested is not available, and also so that he may haul hay from farms to the Weitzel sawmill and other possible markets.

No one appeared in opposition to the 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 which applicant seeks to serve.

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 Carl Puls, Fort Collins, 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 lumber and forest products from forest and mills to points within a radius of 50 miles of Fort Collins, Colorado, and hay from farm to farm and farm to market, with no town to town transportation, between points within said radius.

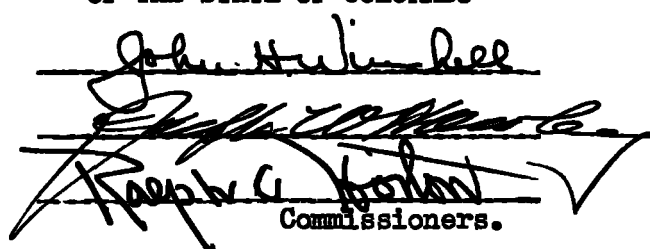
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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


Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1953.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REINHOLD EHRLICH, BOX 201, WINDSOR,)
COLORADO, FOR AN EXTENSION OF PERMIT)
NUMBER B-600.)
-----)

APPLICATION NO. 12592-PP-Extension

November 17, 1953

Appearances: Reinhold Ehrlich, Windsor,
Colorado, pro se;
Barry and Hupp, Esqs.,
Denver, Colorado, for
Colorado Milk Transport,
Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-600 to include the right to transport milk in bulk from the territory covered in Permit No. B-600 to Denver, Colorado, and points within a radius of 10 miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Greeley, Colorado, November 12, 1953, at 10:00 o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that for some time he has been operating under Private Permit No. B-600, transporting milk and cream from a territory definitely described in Decision No. 40179, of date March 18, 1953, to Denver and to points within a radius of 10 miles of Denver with return of empty cans. Under the instant application, he does not wish to change the description of the area in which the milk transportation originates, or the destination, but simply wishes authority to haul milk for his customers in the originating area in bulk. He testified that such bulk transportation is being used more and more and is requested by several of his present customers. Already, five of his customers, to-wit: Lawrence

Heiden, Robert Weitzel, Godfrey Berker, A. R. Hertzke and Wayne Ruyll have installed bulk tanks at their farms, the tanks having a capacity varying from 200 to 400 gallons each, and more of such tanks are being installed every day. He must offer the bulk transportation of milk for these customers or lose their business. The bulk transportation is becoming popular because of the fact that milk is sampled and weighed at the farm. He has had constructed a tank for bulk transportation of this milk by the B. & C. Metal Products Company of Denver, and the tank has been approved by the Denver Health Department. It is constructed of stainless steel, has a capacity of 1,500 gallons and cost \$4,000.00. The tank is to be installed upon a 2-ton Ford truck. A list of his equipment, other than the tank truck, is on file with the Commission and his net worth is \$30,000.00.

No one appeared in opposition to the granting of the authority sought, and it did not appear that applicant's proposed extended operation will impair the efficiency of any motor vehicle 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 Reinhold Ehrlich, Windsor, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-600 to include the right to transport milk in bulk from the territory covered in Permit No. B-600 to Denver, Colorado, and points within a radius of 10 miles of Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Linsell
Joseph C. McCarley
Joseph C. McCarley
Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK E. BROWN, DOING BUSINESS AS)
"FRANK E. BROWN & CO.," 1001 POPLAR)
STREET, LEADVILLE, COLORADO.)
-----)

PERMIT NO. C-11302

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Frank E. Brown, dba "Frank E. Brown & Co."

requesting that Permit No. C-11302 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-11302, heretofore issued to _____

Frank E. Brown, dba "Frank E. Brown & Co." be,

and the same is hereby, declared cancelled effective November 6, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Ralph C. Hinchell
Ralph C. Hinchell
Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
ELWOOD TRIMBLE, 1330 PENN., JOPLIN,)
MISSOURI.)

PERMIT NO. C-13159

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Elwood Trimble

requesting that Permit No. C-13159 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-13159, heretofore issued to _____

Elwood Tribble be,

and the same is hereby, declared cancelled effective September 30, 1953.

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

John H. Winchell
 Joseph W. Hurd
 Joseph C. Hurd
 Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
GIBBONS & REED COMPANY, 259 WEST)
THIRD SOUTH, SALT LAKE CITY, UTAH.)

PERMIT NO. C-29507

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Gibbons & Reed Company

requesting that Permit No. C-29507 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29507, heretofore issued to

Gibbons & Reed Company

be,

and the same is hereby, declared cancelled effective November 10, 1953.

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

John H. Linchell
Joseph W. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
ESTILL CECIL LINNEMAN, 132 HAYDEN)
STREET, CRIPPLE CREEK, COLORADO.)

PERMIT NO. C-31197

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from_____

Estill Cecil Linneman

requesting that Permit No. C-31197 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31197, heretofore issued to

Estill Cecil Linneman be,

and the same is hereby, declared cancelled effective November 10, 1953.

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

John H. Winchell
Ralph C. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ORIN SPURLING, DOING BUSINESS AS)
"SPURLING SERVICE," NELSON, NEBRASKA.)
_____))
_____)

PERMIT NO. C-29973

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Orin Spurling, dba "Spurling Service,"

requesting that Permit No. C-29973 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29973, heretofore issued to _____

Orin Spurling, dba "Spurling Service" be,

and the same is hereby, declared cancelled effective November 9, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hinchell
Ralph C. Hinchell
Ralph C. Hinchell
Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
GILBERT H. MOELLER, 911 LEON,)
DELTA, COLORADO.)

PERMIT NO. C-18420

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Gilbert H. Moeller

requesting that Permit No. C-18420 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-18420, heretofore issued to _____

Gilbert H. Moeller be,

and the same is hereby, declared cancelled effective November 13, 1953.

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

John H. Linchell
Joseph W. Hawley
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
M. R. WATSON, DOING BUSINESS AS)
"WATSON TRUCK LINE," CRAIG, COLORADO.)
_____)

PERMIT NO. C-15339

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

M. R. Watson, dba "Watson Truck Line"

requesting that Permit No. C-15339 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-15339, heretofore issued to _____

M. R. Watson, dba "Watson Truck Line" be,

and the same is hereby, declared cancelled effective November 13, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Finchell
Joseph W. Hecox
Ralph C. Norton

Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

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

RE MOTOR VEHICLE OPERATIONS OF)
MOISES GARCIA, 318 JEFFERSON ST.,)
MONTE VISTA, COLORADO.)

PERMIT NO. C-16009

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Moises Garcia

requesting that Permit No. C-16909 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-16909 , heretofore issued to

Moises Garcia

be,

and the same is hereby, declared cancelled effective May 15, 1953.

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

~~John H. Winchell~~
~~Ralph C. Winchell~~
~~Ralph C. Winchell~~
Commissioners

Dated at Denver, Colorado,

this 20th day of November , 1953.

181a

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK C. & GLADYS V. SHERWOOD, DOING)
BUSINESS AS "SHERWOOD MFG. CO.,")
P. O. BOX 441, INDEPENDENCE,)
MISSOURI.)
-----)

PERMIT NO. C-19836

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Frank C. & Gladys V. Sherwood, dba "Sherwood Mfg. Co."
requesting that Permit No. C-19836 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-19836, heretofore issued to _____
Frank C. & Gladys V. Sherwood, dba "Sherwood Mfg. Co." be,
and the same is hereby, declared cancelled effective November 13, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SCHAEFFER, BOX 103, LOVELAND,)
COLORADO.)
)
)
)
-----)

PERMIT NO. C-31244

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Albert Schaeffer

requesting that Permit No. C-31244 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31244, heretofore issued to _____

Albert Schaeffer be,

and the same is hereby, declared cancelled effective November 13, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Ralph C. Horton
Ralph C. Horton

Commissioners

Dated at Denver, Colorado,

this 20th day of November, 195 3.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. B. BERTRAND, PEYTON, COLORADO.)

PERMIT NO. C-28507

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

J. B. Bertrand

requesting that Permit No. C-28507 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28507, heretofore issued to _____

J. B. Bertrand be,

and the same is hereby, declared cancelled effective November 10, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. W. Mitchell
Joseph C. W. H. H. H. H.
Ralph C. H. H. H. H.

Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DAVID SCHWARTZ & E. J. MEER, DOING)
BUSINESS AS "NORTHWESTERN AUTO)
COMPANY," 549 BROADWAY, DENVER,)
COLORADO.)
-----)

PERMIT NO. C-27493

November 20, 1953

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

David Schwartz & E. J. Meer, dba "Northwestern Auto Company"

requesting that Permit No. C-27493 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27493, heretofore issued to _____

David Schwartz & E. J. Meer, dba "Northwestern Auto Company" be,

and the same is hereby, declared cancelled effective November 13, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Winchell
Joseph W. Hawley
Ralph C. Hord

Commissioners

Dated at Denver, Colorado,

this 20th day of November, 1953.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARVE CROUSE, DOING BUSINESS AS)
"CITY TAXI," WRAY, COLORADO.)

PUC NO. 1902

November 20, 1953

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. 1902 be suspended for six months from November 11, 1953.

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 Harve Crouse, doing business as "City Taxi," Wray, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 1902 until May 11, 1954.

That unless said Harve Crouse, doing business as "City Taxi," Wray, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Guinn MacLennan
Ralph C. Norton
Commissioners.

Dated at Denver, Colorado,
this 20th day of November, 1953.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DONALD C. MITCHELL, DOING BUSI-)
NESS AS "MT. EVANS MOTORWAY,")
BOX 89, IDAHO SPRINGS, COLORADO.)

PUC NO. 1167

November 20, 1953

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. 1167 be suspended for six months from November 16, 1953.

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 Donald C. Mitchell, doing business as "Mt. Evans Motorway," Idaho Springs, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 1167 until May 16, 1954.

That unless said Donald C. Mitchell, doing business as "Mt. Evans Motorway," Idaho Springs, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Ralph C. Norton
Ralph C. Norton
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLENN BEKINS, STANLEY H. BEKINS,)
CLAUDE BEKINS, FRED BEKINS, AND)
BRUCE J. BEKINS, CO-PARTNERS, DOING)
BUSINESS AS "BEKINS MOVING & STOR-)
AGE CO.," 1411 ARAPAHOE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 338 AND PUC NO.)
338-I TO BEKINS VAN & STORAGE CO.,)
A COLORADO CORPORATION, 1411 ARAP-)
AHOE STREET, DENVER, COLORADO.)
-----)

APPLICATION NO. 12656-Transfer

November 18, 1953

Appearances: Lucien W. Shaw, Esq.,
Los Angeles, California,
for applicants.

S T A T E M E N T

By the Commission:

By the instant application, Glenn Bekins, Stanley H. Bekins, Claude Bekins, Fred Bekins, and Bruce J. Bekins, co-partners, doing business as "Bekins Moving & Storage Company," Denver, Colorado, owners and operators of PUC No. 338 and PUC No. 338-I, seek authority to transfer said PUC No. 338 and PUC No. 338-I to Bekins Van & Storage Company, a Colorado Corporation, Denver, Colorado.

Inasmuch as the files of the Commission and the application herein show that said operating rights are in good standing; that ton-mile tax deposit is to be transferred to account of transferee; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the files and records 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 Glenn Bekins, Stanley H. Bekins, Claude Bekins, Fred Bekins, and Bruce J. Bekins, co-partners, doing business as "Bekins Moving & Storage Company," Denver, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 338 and PUC No. 338-I to Bekins Van & Storage Company, a Colorado corporation, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

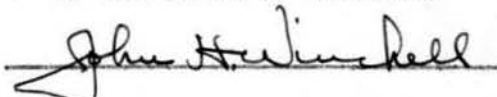
The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificates up to the time of the transfer of said certificates, and the payment by them or transferee of all unpaid ton-mile tax.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That ton-mile tax deposit of transferors 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 18th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM C. SNIDER, DOING BUSINESS)	
AS "SNIDER OIL COMPANY," DIVIDE,)	<u>APPLICATION NO. 12161-PP-Amended</u>
COLORADO, FOR AN EXTENSION OF PERMIT)	
NO. B-3786.)	
-----)	

November 18, 1953

Appearances: William C. Snider, Divide,
Colorado, pro se;
Philip G. Burney, Esq.,
Denver, Colorado, for
Barlow's Service, Inc.

S T A T E M E N T

By the Commission:

By the above-styled application, William C. Snider, doing business as "Snider Oil Company," Divide, Colorado, seeks authority to extend operations under Permit No. B-3786 to include the right to transport petroleum products between Denver, Colorado, and points within a radius of ten miles of Denver, Colorado, and his presently-authorized territory, via U. S. Highway No. 85 to Colorado Springs, and U. S. Highway No. 24 to Divide, Colorado, and transportation of petroleum products from Divide to Victor, Colorado, via State Highway No. 87, with authority to serve the intermediate point of Cripple Creek, Colorado.

Said application was regularly set for hearing at the Court House, Colorado Springs, Colorado, November 13, 1953, at ten o'clock A. M., with due notice to all parties in interest.

At the hearing, applicant moved to withdraw his application, which motion was granted.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be dismissed, as requested by applicant herein.

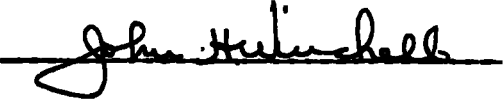
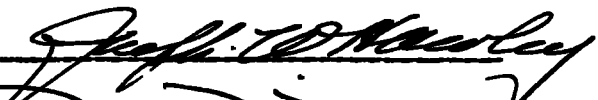

O R D E R

THE COMMISSION ORDERS:

That Application No. 12161-PP-Amended should be, and the same hereby is, dismissed, at request of applicant.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DUANE M. FEE, 2414 NORTH NEVADA)
AVENUE, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 12601-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

November 20, 1953

Appearances: Duane M. Fee, Colorado Springs,
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 used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, 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 the Court House, Colorado Springs, Colorado, November 13, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is the owner of a 1948 Ford two-ton dump truck, and a 1951 two-ton Ford dump truck; that he has had seven years experience in trucking operations; that his net worth is approximately \$8,500.00; that he is presently operating under a letter of temporary authority from this Commission; that he has an oral contract with Peter Kiewit Sons Company, Denver, Colorado, to employ his services if the authority sought is granted.

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

It did not appear that applicant's proposed operation will tend to 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 authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Duane M. Fee, Colorado Springs, 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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, 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 is 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

Commissioners.

Dated at Denver, Colorado,
this 20th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. H. SHAVER, 1219 NORTH WEBER)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 12603-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

November 20, 1953

Appearances: W. H. Shaver, Colorado Springs,
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 used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, 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 the Court House, Colorado Springs, Colorado, November 13, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is the owner of a 1951 Ford 2-ton dump truck, and a 1953 Ford two-ton dump truck; that he has had two years experience in trucking operations; that he had operated under a letter of temporary authority issued by this Commission; that his net worth is approximately \$9,000.00; that he has an oral agreement with Hubner Construction Company, Everett Gregory, and Peter Kiewit Sons Company, Denver, Colorado, to employ his services if the authority sought is granted.

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

It did not appear that applicant's proposed operation will tend to 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 authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That W. H. Shaver, Colorado Springs, 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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Lincoln
Joseph C. Hensley
Joseph C. Hensley
Commissioners.

Dated at Denver, Colorado,
this 20th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD E. TINSLEY, DOING BUSINESS)
AS "TINSLEY MILK LINE," 519 EAST) APPLICATION NO. 12604-Extension
PLATTE STREET, COLORADO SPRINGS,)
COLORADO, FOR AN EXTENSION OF PUC)
NO. 1570.)
-----)

November 20, 1953

Appearances: G. Robert Ward, Esq., Colorado
Springs, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 39679, of
date November 19, 1952, Harold E. Tinsley, Colorado Springs, Colorado,
acquired PUC No. 1570 from F. E. Herbert, doing business as "Herbert
Milk Line," Colorado Springs, Colorado, being the right to operate as
a common carrier by motor vehicle for hire, for the transportation of:

milk and cream with the return of empty cans
in the territory described as: beginning at
a point ten miles west of Peyton; north along
the center of Range 65-West a distance of
eighteen miles; east a distance of thirty
miles; south along center line of Range 60
West to State Highway No. 94; west on High-
way No. 94 to center of Range 65; north to
point of beginning, to points within said
area and points outside thereof, the towns
located within the described area being Calhan,
Eastonville, Elbert, Ellicott, Falcon, Fondis,
Kuhn's Crossing, Peyton, Ramah, Shirley and Yoder.

Prior thereto (Decision No. 30760, of date June 28, 1948), the
following authority was deleted from said operating rights, at request of
F. E. Herbert:

milk and cream from point in the described area
to points outside thereof, with back-haul of
empty cans.

By the instant application, Harold E. Tinsley, doing business as "Tinsley Milk Line," Colorado Springs, Colorado, seeks authority to extend his operations under PUC No. 1570 to include the right to transport milk and cream from points within his presently-authorized area to the City of Colorado Springs, Colorado, and immediate environs, with back-haul of empty cans.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, November 13, 1953, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that Colorado Springs is the only possible market for the milk and cream in the area described in his authority; that the milk and cream from that area has always been transported into Colorado Springs, and that he — believing that he had the authority to go into Colorado Springs — has been transporting the milk and cream into Colorado Springs since he acquired the operating rights.

No one appeared to protest the granting of the authority sought.

It is obvious to the Commission from the testimony and an examination of the authority that the amendment to authority (Decision No. 30760, of date June 28, 1948), was in error, since the operating rights would be useless without an outlet for the milk and cream gathered in the area.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed extended motor vehicle common carrier service of applicant herein under PUC No. 1570, 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 extended motor vehicle common carrier call and demand service of Harold E. Tinsley, doing

business as "Tinsley Milk Line," Colorado Springs, Colorado, for the transportation of milk and cream from points within his presently authorized area to the City of Colorado Springs, Colorado, and immediate environs, with back-haul of empty cans, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Hunsell

Joseph W. Hunsell

Ralph C. Hunsell
Commissioners.

Dated at Denver, Colorado,
this 20th day of November, 1953.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE S. BOWMAN, 408 SOUTH FOURTH)
STREET, CRIPPLE CREEK, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 12600

November 20, 1953

Appearances: George S. Bowman, Cripple
Creek, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle, on call and demand, for the transportation of tourists in and around a radius of ten miles of the Cripple Creek District.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, November 13, 1953, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he desires authority to operate a sightseeing service originating and terminating in Cripple Creek, Colorado, and confined to an area within a radius of ten miles of Cripple Creek, Colorado; that he is the owner of a 1942 Dodge Jeep, which he proposes to use in the sightseeing operation; that his net worth is approximately \$5,000.00; that he has had thirty-eight years of driving experience; that he is a full-time employee of Golden Cycle Mill, and that he proposes to operate the sightseeing service as a part-time operation during the summer months, only; that there is no common carrier authority presently for sightseeing service originating at Cripple Creek; and that the granting of this authority would take no business from any other common carrier.

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

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

It did not appear that applicant's proposed operation will tend to impair the efficiency of any common carrier motor vehicle service operating in the territory applicant seeks to serve.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed 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 common carrier motor vehicle service of George S. Bowman, Cripple Creek, Colorado, on call and demand, for the transportation of tourists in and around a radius of ten miles of the Cripple Creek District, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

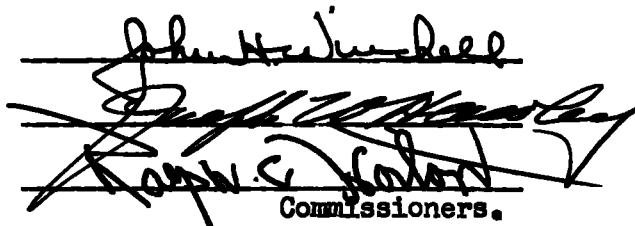
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 20th day of November, 1953.
mls