

original

(Decision No. 45730)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HARRY H. HARBISON, DOING BUSINESS )	
AS "HARBISON TRUCKING SERVICE," )	
BOX 822, FORT COLLINS, COLORADO, FOR )	
AUTHORITY TO TRANSFER PUC NO. 910 )	APPLICATION NO. 14284-Transfer
AND PUC NO. 910-I TO ED ALLBRANDT )	
AND IVAN D. BONSER, CO-PARTNERS, )	
DOING BUSINESS AS "A & B TRUCKING )	
SERVICE," BOX 822, FORT COLLINS, )	
COLORADO. )	
----- )	

IN THE MATTER OF THE APPLICATION OF )	
HARRY H. HARBISON, DOING BUSINESS )	
AS "HARBISON TRUCKING SERVICE," BOX )	
822, FORT COLLINS, COLORADO, FOR )	
AUTHORITY TO TRANSFER PERMIT NO. )	APPLICATION NO. 14285-PP-Transfer
A-2599 TO ED ALLBRANDT AND IVAN D. )	
BONSER, CO-PARTNERS; BOX 822, FORT )	
COLLINS, COLORADO. )	
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April 27, 1956  
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Appearances: Hill and Coyte, Fort Collins,  
Colorado, by Ralph H.  
Coyte, Esq., for Transferor  
and Transferees;  
Clarence R. Geyer, Esq., Denver,  
Colorado, for U. S. Treasury  
Department, Internal Revenue  
Service.

S T A T E M E N T

By the Commission:

Harry H. Harbison, doing business as "Harbison Trucking  
Service," is the owner of PUC No. 910 and PUC No. 910-I, authorizing;

Transportation of farm products (including  
livestock), in irregular service on call and  
demand, from point to point in all of Larimer  
County and Weld County north of a line drawn  
east and west 9 miles south of Fort Collins  
and West of Range Line 67-West, to and from  
other points in Colorado, with right to trans-  
port all commodities except household goods  
from farms in said area to and from Fort  
Collins, Colorado, specifically eliminating  
however, the transportation of farm products  
(excluding livestock) into Denver, and any

competition with line-haul common carriers between towns;

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, as amended.

Said party is also the owner of Private Carrier Permit No.A-2599, authorizing:

Transportation of pickles and pickle company products, both before and after processing, between Fort Collins and Denver, via U. S. Highway No. 287 to corner of Broomfield, thence to Denver via North Washington Highway, including the right to transport from Denver to Fort Collins merchandise and plant supplies; provided, however, that such service shall extend only to the transportation of such merchandise between Denver and Fort Collins, and vice versa, without the right to serve any intermediate points, and provided further that the only customer that may be served by applicants herein shall be the Dreher Pickle Company and applicants may not add to or extend such customer list without authority from the Commission, after due notice and hearing.

By Application No. 14284, said certificate-holder seeks authority to transfer his operating rights under PUC No. 910 and PUC No. 910-I, and by Application No. 14285, seeks authority to transfer his operating rights under Permit No. A-2599, to transferees, they, in each instance being Ed Allbrandt and Ivan D. Bonser, co-partners, doing business as "A & B Trucking Service," Fort Collins, Colorado.

Both applications were set for hearing, after appropriate notice to all interested parties, on April 20, 1956, at the Court House in Greeley, Colorado, and heard on a consolidated record, and were taken under advisement by the Commission.

Ed Allbrandt testified that he has been engaged in the transportation of livestock since 1939, and for the past five years has been working for transferor Harbison. The latter had become deeply involved financially and decided to dispose of his interest in the certificates and permit, and the equipment used in operations under the same. Witness and Bonser entered into a partnership

and purchased from Harbison his interest in the authorities and equipment, subject to outstanding indebtedness, for the sum of \$10,000 cash, which was paid on or about November 18, 1954, transferees to assume all indebtedness against the operations. By letter (Exhibit No. 1), Harbison has empowered witness to represent him in these proceedings.

All equipment transferred is subject to chattel mortgage of Securities Credit Corporation, Fort Collins, Colorado. The notes secured by this mortgage are partly the obligation of Harbison only and partly obligations of Harbison, Allbrandt and Bonser. There is a balance due on the notes of approximately \$10,000. A letter signed by the payee supports the applications for transfer on the ground that if denied, Allbrandt and Bonser would be unable to meet the obligations, resulting in loss both to them and the mortgagee, Harbison having left the country and his present whereabouts being unknown.

Harbison owed to Hartman Oil Company, Fort Collins, Colorado, approximately \$6,300, unsecured. A letter from this company consents to the proposed transfers, payment of the obligation having been assumed by transferees.

Notice of Federal tax lien under Internal Revenue Laws was issued by the District Director of Internal Revenue on March 1, 1956, the taxpayer named being Harry H. Harbison, the amount of assessment being \$73,717.10 (Exhibit A). On January 31, 1956, Notice of Levy had been issued by said Director, naming Harbison as the taxpayer from whom the assessment was due, the amount claimed being \$77,484.27. This notice was addressed to Allbrandt and Bonser, and served on Allbrandt, referred to as a "partner," on February 3, 1956 (Exhibit C). No proof was offered to the effect that these two were ever partners, the only connection being indicated by a Power of Attorney from Harbison to Allbrandt (Exhibit B). No lien was ever filed against the cer-

tificate or Harbison's interest therein, and the proceedings referred to were several months subsequent to the sale by Harbison to Allbrandt and Bonser of the certificate and equipment.

At the hearing, the said Director was represented by Mr. Geyer, and at the close of the hearing he was granted ten days time in which to file Statement of Position relative to this claim. Under date of April 23, 1956, Mr. Geyer addressed a letter to this Commission, from which we quote the following:

"Upon returning to Denver, Colorado, and making further inquiry, it has been concluded that we wish to withdraw our objections to the transfer application. It has been concluded that the transferees paid the full price and entered into a completed sale of the business and the permit prior to the date that our statutory lien arose on December 28, 1955, and prior to the time that our Notice of Lien was filed on March 6, 1956. Under these conditions, we will not file a brief in this matter and will interpose no objection to the transfer of permits 910 and 910-I to Ed Allbrandt and Ivan D. Bonser."

In the opinion of the Commission, there is no evidence of record showing any liability of Allbrandt or Bonser for the payment of the lien of the Internal Revenue service, and no lien extant against the certificate here involved by reason of said assessment.

It further appeared from the evidence at the hearing, that both transferees have had several years experience in the transportation business. Their equipment list shows one cattle rack straight truck, eight tractors, five trailers with cattle racks, each 46 feet in length, one sheep loading chute and one cattle loading chute. Their net worth, crediting the value of the equipment and listing all claims above referred to, with the exception of that of the United States Revenue Department, as liabilities, is shown as \$19,056.64, by the financial statement attached to the applications and identified at the hearing.

No one appeared to protest favorable action on the applications.

## F I N D I N G S

### THE COMMISSION FINDS:

That the proposed transfers are in the public interest, and should be authorized subject to outstanding indebtedness, if any.

## O R D E R

### THE COMMISSION ORDERS:

That Harry H. Harbison, doing business as "Harbison Trucking Service," Fort Collins, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 910 and PUC No. 910-I -- being the authority set out in the above and foregoing Statement which, by reference, is made a part hereof -- to Ed Allbrandt and Ivan D. Bonser, co-partners, doing business as "A & B Trucking Service," Fort Collins, 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 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, 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 certificates up to the time of transfer of said certificates, the transfer of interstate operating rights authorized herein being subject to the Federal Motor Carrier Act of 1935, as amended.

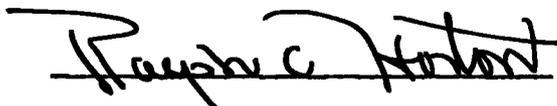
That Harry H. Harbison, doing business as "Harbison Trucking Service," Fort Collins, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-2599 -- being the authority set out in the above and foregoing Statement which, by reference, is made a part hereof -- to Ed Allbrandt and Ivan D. Bonser, co-partners, doing business as "A & B Trucking Service," Fort Collins, 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 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred, and shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER THOMPSON ABSENT.

Dated at Denver, Colorado,  
this 27th day of April, 1956.

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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, )  
FREIGHT TARIFF NO. 12, COLORADO )  
P.U.C. NO. 6, ISSUED BY J. R. SMITH, )  
CHIEF OF TARIFF BUREAU, 407 DENHAM )  
BUILDING, DENVER 2, COLORADO. )  
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CASE NO. 1585

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April 27, 1956  
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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 rates, rules, regulations and charges advertised to become effective April 26, 1956, designated as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required to prescribe the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

The cancellation of the 4th class rating on less-truck-load lots of Books, viz: Magazines or Periodicals, is the result of a survey conducted by the motor carriers from which the conclusion was reached that a fourth class rating on this class of traffic was not justified, particularly on less-truck-load quantities.

The cancellation of the 4th class rating on Butter Grease, for Soap Stock, in barrels, is justified due to the fact that the movement of this commodity is practically nil, and where such conditions prevail an exception rating is not justified.

The present circumstances surrounding the continuation of a rate of 12 cents per container on empty ice cream containers returned will result in an increase to a basis of one-half of the applicable 4th class rate. The one-half of 4th class rating should apply on all containers returned and there does not appear any good reason why the ice cream containers should receive special consideration, or treatment.

The establishment of a 4th class exception rating on forms or molds n.o.i., concrete construction, iron, K. D. or flat or nested, minimum weight 10,000 pounds for account of Bee Freight Lines, Larson Transportation Co., Ringsby Truck Lines, Inc., and Rio Grande Motor Way, Inc., will result in a reduction from a 3rd class rating.

The cancellation of the various exception ratings set forth in Appendix A for account of Thomas D. Lane, d/b/a Thomas D. Lane Truck Line, is in line with similar action on the part of various other scheduled line-haul carriers in the past and which has been approved by the Commission.

The proposed charges in connection with the use of special equipment because of the size or weight of any article or articles in a shipment represent increases and are in line with similar charges on heavy moving commodities. Due to the increased operating costs of the carriers it is their contention this adjustment is necessary.

The proposed rule governing stopping in transit for partial loading or partial unloading for account of Larson Transportation Co., and Rio Grande Motor Way, Inc., is a new rule. At the present time there is no stop in transit arrangements. The establishment of the rule should result in a distinct benefit to the shippers who can use the privilege.

The establishment of the 89 cent rate on candy or confectionery, n.o.i., etc., from Denver to Grand Junction represents a reduction in the present applicable rates.

The proposed rate of 32 cents per 100 pounds on cement, in bulk in tank trucks, minimum weight 40,000 pounds, from Portland, Colorado, to Gunnison, Colorado, is a new commodity rate item and is relatively in line with other cement commodity rates, e.g., Portland to Salida, 18 cents, minimum weight 35,000 pounds, Portland to Grand Junction, 48 cents, Durango, 47 cents, minimum weight 40,000 pounds.

The proposed rates on milk or cream from Grand Junction to Leadville; roofing material, etc., and structural steel, etc., from Denver, Colorado, to Boulder, Colorado, are new items establishing specific commodity rates and represent reductions.

The proposed rates on fresh meats and packing house products as published in items 2810, 2815, 2820 and 2830 represent increases of approximately 10 per cent. On April 10, 1956, the rate department wrote several of the Denver packers, the Denver Chamber of Commerce and the American Stores in Pueblo relative to the proposed adjustment. No reply has been received in response to our letter.

The proposed method of determining the distance to be used in assessing the distance scale of rates on brick and articles taking same rates is a desirable modification of the present method. This is the same formula now being used on movements of household goods and heavy moving commodities.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

#### O R D E R

##### THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.

3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on April 26, 1956, (nunc pro tunc) be the prescribed rates, rules, regulations and provisions of the Commission.

4. 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 carriers.

5. On and after April 26, 1956, (nunc pro tunc) the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.

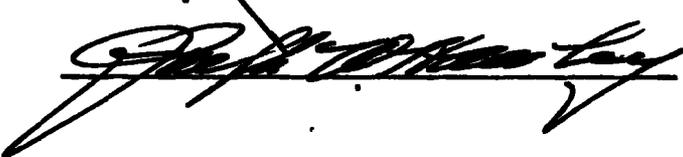
6. On and after April 26, 1956, (nunc pro tunc) all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. 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.

8. 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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COMMISSIONER THOMPSON ABSENT.  
Dated at Denver, Colorado,  
this 27th day of April, 1956.  
mem

APPENDIX "A"

Cancellation of the following exceptions to the classifications,

viz:

- Books, viz: magazines or periodicals, Item 130
- Butter grease, for soap stock, Item 190
- Containers, Ice Cream, empty, returned, Item 250
- Iron or steel crushing balls or grinding balls, Item 430
- Poultry, live in coops, Item 550
- Scales, viz: Steel frame pitless; wagon and stock; castings, boxed; beams, Item 580

For the account of Thomas D. Lane, d/b/a Thomas D. Lane Truck

Lines.

To add this carrier as a participant for which the following exception ratings will not apply, viz:

- Tractors, loaded and unloaded under own power, Item 600
- Brick and related articles, Item 150
- Drugs, medicines, chemicals, etc., Item 300
- Fertilizer and fertilizer compounds, Item 340
- Gases, compressed, Item 380
- Gas, petroleum, liquefied, Item 390
- Groceries, Item 400
- Iron and steel articles, Item 440
- Mattresses, Item 450
- Paper and paper articles, Item 500
- Pipe or culverts, iron or steel, Item 530
- Wine, Item 630

4th Revised Page No. 81, Item 1060, to amend rule covering the use of special equipment, increases the charges for the following:

- Winch truck with driver - - - - - \$9.75 per hour or fraction
- Crane with driver and operator - - - \$17.50 per hour or fraction
- "A" Frame with driver - - - - - \$12.50 per hour or fraction

5th Revised Page No. 213, Item 3220 for the account Rio Grande

Motor Way, Inc., direct:

Rates in Cents per 100 Lbs.

Milk or cream, in containers, minimum weight 3,000 pounds. Rate includes return of empty containers. Shippers to supply refrigeration necessary to insure safe delivery to destination.

FROM	TO	RATE
Grand Junction, Colorado	Leadville, Colorado	95

Boulder-Denver Truck Lines, direct:

Rates are in Cents per 100 Pounds

Roofing material and/or plywood, in bundles, palletized.

FROM	TO	RATE	
Denver, Colo.	Boulder, Colo.	(1)	25
		(2)	20

- (1) Minimum weight, 15,000 pounds
- (2) Minimum weight, 30,000 pounds

Subject to shipper loading and consignee unloading. One hour's free loading time will be allowed at point of origin and one hour's free unloading time will be allowed at point of destination. Any loading or unloading time in excess of one hour will be charged for at a rate of \$4.00 per hour or fraction thereof.

Structural steel, not fabricated, or bars, reinforcing, iron or steel.

FROM	TO	RATE	
Denver, Colo.	Boulder, Colo.	(3)	25
		(4)	20

- (3) Minimum weight, 20,000 pounds
- (4) Minimum weight, 30,000 pounds

Subject to shipper loading and consignee unloading. One hour's free loading time will be allowed at point of origin and one hour's free unloading time will be allowed at point of destination. Any loading or unloading time in excess of one hour will be charged for at a rate of \$4.00 per hour or fraction thereof.

9th Revised Page No. 59-A, Item 357, Exception to Ratings of

Classification.

CLASS RATING

Forms or molds, N.O.I., concrete construction, iron, KD, or flat, or nested, volume minimum weight 10,000 pounds. 4

(This item applies only via Bee Freight Lines, Inc., Larson Transportation Co., Ringsby Truck Lines, Inc., and Rio Grande Motor Way, Inc.)

Original Page No. 82-A, Item No. 1110, Rules and Regulations

Stopping in Transit: (Applies only via Larson Transportation Co., and Rio Grande Motor Way, Inc.)

Except as otherwise provided herein, shipments upon which charges are based upon a weight of 10,000 pounds or more, may be stopped in transit at a point, or points, between the point of origin and the point of final destination for the purpose of either partial loading or unloading (but not both at the same point), providing that the stop off point or points are directly intermediate to the point of final destination via the route over which the rate to such final destination applies, subject to the provisions of paragraph (A), (B), (C) and (D) below.

(A) The bill of lading shall show at what point, or points, the shipment is to be stopped off for partial loading or partial unloading, the name and address of the party to receive, or to load, the freight at such stop-off point, and a description of that part of the shipment to be loaded or unloaded at the stop-off point.

(B) The charge for each stop-off in transit for partial loading or partial unloading shall be \$7.50 per stop, in addition to all other applicable charges.

(C) Upon shipments stopped off for partial loading, the charges shall be determined on the basis of the minimum weight, or actual weight when greater, of the entire shipment, and at the rate applicable to the final destination point from that point where any portion of the shipment was loaded from which the highest charges are applicable. Upon shipment stopped off for partial unloading, the charges shall be determined on the basis of the minimum weight, or actual weight when greater, of the entire shipment, and at the rate applicable from the original point of origin to that point where any portion of the shipment is delivered to which the highest charges are applicable.

(D) The provisions of this item will not apply to C.O.D. or order notify shipments.

1st Revised Page No. 171-B, Item No. 1715, for the account of Rio Grande Motor Way, Inc., direct.

Candy or confectionery as described in the item amended to include carrier from Denver, Colorado, to Grand Junction, Colorado, at a rate of 89 cents per 100 pounds.

2nd Revised Page No. 173-C, Item 1802-11, for the account of Eveready Freight Service, Inc., direct.

Rates are in Cents per 100 Pounds

Cement, in bulk in tank trucks, minimum weight 40,000 pounds.

FROM	TO	RATE
Portland, Colorado	Gunnison, Colorado	32

(Not subject to Item No. 970)

6th Revised Page No. 199, Item 2810, for account of various carriers as shown in routings following this item.

	TO	FROM	ROUTE NO.	FROM	ROUTE NO.
	COLORADO	DENVER		PUEBLO	
Meats, fresh, and packing house products, as described in Items No. 460 and 480.  (Applies only on Colorado Intrastate Traffic.)	Alamosa	127	79; 87	107	87
	Antonito	136	79	118	87
	Aspen	158	-	158	-
	Austin	172	87	172	87
	Avon	136	87	136	87
	Baldwin	160	-	124	-
	Blanca	127	79	107	87
	Buena Vista	125	87	125	87
	Capulin	136	79	117	87
	Carbondale	158	-	158	-
	Center	136	79; 87	118	87
	Chama	127	24	107	23
	Cimarron	165	87	165	87
	Clifton	165	87	165	87
	Creede	154	79; 87A	129	87
	Crested Butte	161	134	129	134
	DeBeque	165	87	165	87
	Del Norte	136	79; 87A	118	87
	Delta	165	87	165	87
	Eagle	145	87	145	87
	Ft. Garland	127	79	107	87
	Gilman	136	87	136	87
	Glenwood Spgs.	145	87	145	87
	Grd. Junction	165	87	165	87
Grd. Valley	165	87	165	87	
Gunnison	154	87	123	87	
Gypsum	145	87	145	87	
Hooper	136	79; 87	117	87	
Hotchkiss	172	87	172	87	
Iola	165	87	140	87	
La Jara	133	79	116	87	
La Valley	127	79	107	87	
Leadville	125	87	125	87	
Manassa	136	79	118	87	
Mineral Hot Springs	133	79; 87	117	87	
Minturn	136	87	136	87	
Moffat	136	79; 87	118	87	
Monte Vista	133	79; 87	116	87	
Montrose	165	87	165	87	
Mosca	133	79; 87	116	87	
New Castle	155	87	155	87	
Olathe	165	87	165	87	
Ouray	168	87	168	87	
Palisade	165	87	165	87	
Paonia	172	87	172	87	
Red Cliff	136	87	136	87	
Ridgway	168	87	168	87	
Rifle	155	87	155	87	
Romeo	136	79	117	87	
Saguache	136	79; 87	117	87	
Sanford	133	79	116	87	
San Luis	127	79	107	87	
San Pablo	127	24	107	23	
Sapinero	165	87	145	87	

(Continued)

TO	FROM	ROUTE NO.	FROM	ROUTE NO.
COLORADO	DENVER		PUEBLO	
Silt	155	87	155	87
Somerset	172	87	172	87
South Fork	145	79; 87A	124	87
Villa Grove	129	79; 87	117	87
Wagon Wheel Gap	124	79; 87A	127	87
Whitewater	165	87	165	87
Wolcott	136	87	136	87

Routes:

- 23 - Rio Grande Motor Way, Inc., Ft. Garland, Colo., Fred T. Gibson
- 24 - Weicker T & S Co., Pueblo, Rio Grande Motor Way, Inc., Ft. Garland, Fred T. Gibson
- 79 - Weicker T & S Co., Pueblo, Rio Grande Motor Way, Inc.
- 87 - Rio Grande Motor Way, Inc., direct
- 87A - Rio Grande Motor Way, Inc., direct (Interstate Traffic Only)
- 134 - Rio Grande Motor Way, Inc., Gunnison, Colo., Crested Butte Truck Line

10th Revised Page No. 201, for the account of Rio Grande Motor Way, Inc., direct, Item No. 2815

	BETWEEN	AND	RATE
Meats, fresh and packing house products, as described in Items No. 460 and 480.	Denver, Colo.	Canon City, Colo.	(1) 57
			(2) 48
	FROM	TO	RATE
(1) Min. Wt. 10,000 Lbs.	Denver, Colo.	Canon City, Colo.	(3) 127
(2) Min. Wt. 15,000 Lbs.		Coal Creek, Colo.	
Subject to Item 820		Florence, Colo.	
		Penrose, Colo.	
(3) Less-than-truckload		Portland, Colo.	
	Rockvale, Colo.		

10th Revised Page No. 201, Item No. 2820, for the account of Rio Grande Motor Way, Inc., and Carbon Motorway, Inc.

	FROM	TO	RATE
Meat, fresh, and packing house products, as described in Items No. 460 and 480, in straight or mixed shipments. (Applies only on Colorado Intrastate Traffic.)	Denver, Colo.	Fruita, Colo.	165
	Pueblo, Colo.	Loma, Colo.	
		Mack, Colo.	

10th Revised Page No. 201, Item No. 2830, for the account of Rio Grande Motor Way, Inc., direct.

	FROM	TO	RATE
Meat, fresh, as described in Item No. 460, L. T. L. (Applies only on Colorado Intrastate Traffic.)	Denver, Colo.	Salida, Colo.	118

1st Revised Page No. 229

Method of computing distances to be used in assessing rates published in Section No. 3. (Brick and articles taking same rates) (Applies only on Colorado Intrastate Traffic.)

- (1) Where mileages are shown in Colorado Department of Highways map via improved roads only, such mileages shall be used to determine the distance or portions of such distance via improved roads.
- (2) For distance from and to points not covered by the map referred to in paragraph (1) of this rule, the actual mileage via the shortest practicable route shall be used, except that the map will be used for such portion of the distance as may be provided thereon or ascertainable therefrom.

Exceptions

- (3) When shipments move under special permits required by and obtained from a municipal or state regulatory body or commission, which specified therein the route to be traveled by the motor vehicle, the mileage to be used in determining the rate will be that shown in Colorado Department of Highways map via route specified in special permit.
- (4) Where, due to flood conditions, condition of bridges or ferries, it is impractical to operate the truck over highways forming the shortest distance between origin and destination, the most practical route over which the truck can be moved will be shown in the bill of lading and the distance via such route will be used to determine the rate. The bill of lading will also show the reason for the route specified therein.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KANSAS-NEBRASKA NATURAL GAS COMPANY, )  
INC., FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY FOR PRO- )  
POSED CONSTRUCTION COVERING NATURAL )  
GAS TRANSMISSION AND DISTRIBUTION )  
FACILITIES IN YUMA COUNTY, COLORADO, )  
AND TO EXERCISE ITS RIGHTS UNDER )  
FRANCHISES GRANTED BY THE TOWN )  
BOARD OF ECKLEY AND THE CITY COUNCIL )  
OF WRAY, BOTH IN THE COUNTY OF YUMA, )  
STATE OF COLORADO. )  
-----)

APPLICATION NO. 14291

-----  
May 1, 1956  
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Appearances: Lee, Bryans, Kelly and  
Stansfield, Esqs., Denver,  
Colorado, and  
James D. Conway and E. J.  
Jackson, Esqs., Hastings,  
Nebraska, for applicant;  
A. L. Mueller, Esq., Denver,  
Colorado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On April 10, 1956, Kansas-Nebraska Natural Gas Company, Inc., by its President, S. D. Whiteman, filed an application with this Commission for a certificate of public convenience and necessity, for proposed construction covering natural gas transmission and distribution facilities in Yuma County, Colorado, and to exercise its rights under franchise granted by the appropriate municipal authorities in Eckley and Wray, both in Yuma County, in said State of Colorado.

The matter was regularly set for hearing, and heard on April 26, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, after due notice to all parties

in interest, and then taken under advisement.

Kansas-Nebraska Natural Gas Company, Inc., applicant herein, is a Kansas Corporation, authorized to do business in the States of Kansas, Nebraska, Oklahoma and Colorado. A copy of its Articles of Incorporation, together with all amendments thereto, and a certificate of authority from the Secretary of State authorizing said company to do business in the State of Colorado are on file with this Commission, and, by reference, are made a part hereof.

The applicant is directly engaged in the public utility business in the States of Kansas, Nebraska and Colorado, and is a natural gas utility, transporting and distributing natural gas from and in the States of Kansas, Nebraska and Colorado. The applicant distributes natural gas at retail in the Towns of Julesburg, Ovid, Iliff, Fleming, Haxtun, Paoli, Holyoke, Akron, Otis and Yuma in the State of Colorado, pursuant to certificates of public convenience and necessity heretofore issued by this Commission.

Testimony at the hearing revealed that applicant has been engaged in the transmission and distribution of natural gas for a period of several years, and is fully qualified by experience to conduct the operations proposed in the instant application. If authority is granted herein, applicant proposes to construct in Colorado facilities to serve the towns of Eckley and Wray, including the necessary town border metering stations and distribution systems to properly and adequately serve said towns. Said distribution systems and town border metering stations will be connected to applicant's transmission system which will transmit natural gas from the areas in Colorado from which the same is produced, all as shown in Exhibit "C" which, by reference, is made a part hereof.

Further testimony disclosed that applicant has contracts for the production from substantial amounts of productive and probably productive acreage in Washington County in Northeastern

Colorado. The estimated present reserve of the productive acreage which applicant has under contract in Washington County, Colorado, is given at 3,536,962,000 cubic feet. This reserve is in addition to the Company's gas reserves now held in Logan and Weld Counties, Colorado, Western Nebraska, the Kansas and Oklahoma sections of the Hugoton Gas Field and the Pawnee Rock-Unruh, Kansas area. The Company estimates it has gas reserves in excess of thirty years supply for all its system.

The ownership of this supply of gas in Washington County now makes it possible for applicant to provide service to the Towns of Eckley and Wray.

Evidence presented by applicant showed the 1950 census figure of the Town of Eckley to be 295, and the Town of Wray to be 2,198. Applicant's experience is that one customer for every four of population can be reasonably expected and that the facilities proposed to be constructed are adequate to supply such customers.

The applicant's witness estimated that the facilities to be constructed in the first five years, under the certificate sought herein, would cost approximately \$327,400.00, and that within twenty years, \$30,000 additional would be invested in the property. The total amount \$357,400 will be used as the basis for a charge for issuance of the certificate herein sought, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue. Applicant proposes to finance the construction herein described out of funds on hand or to be obtained, which includes Company earnings generated in the course of applicant's business operations.

Exhibit "A" filed with the application, is a conformed copy of the Franchise Ordinance granted by the Board of Trustees of the Town of Eckley. This franchise is for a period of twenty-five years, and its proof of publication and its acceptance on

behalf of Kansas-Nebraska Natural Gas Company, Inc. has been filed as a part of Exhibit "A". Exhibit "A", together with the above-mentioned attachments thereto, is, by reference, made a part hereof.

Exhibit "B" filed with the application is a conformed copy of the Franchise Ordinance granted by the City Council of the City of Wray pursuant to a vote of the qualified electors of said city. This franchise is for a period of twenty years from its approval by said electors and its proof of passage and publication and its acceptance on behalf of Kansas-Nebraska Natural Gas Company, Inc. has been filed as a part of Exhibit "B". Exhibit "B" together with the above mentioned attachments thereto, is, by reference, made a part hereof.

Applicant is acquainted with the Commission's requirements regarding the Uniform System of Accounts to be maintained, the filing of annual reports, the rules regulating gas service promulgated by the Commission, and the procedure for the filing of rates, rules and regulations by the utility.

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

Prior to the hearing of this application, the Commission received letters from the Mayors of Eckley and Wray, Colorado, stating, in effect, that their respective towns were willing for the Commission to grant the application of Kansas-Nebraska Natural Gas Company, Inc., in the instant matter.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the applicant, Kansas-Nebraska Natural Gas Company, Inc., is a public utility, as defined in Chapter 115, Article I, Section 3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said company, and of the subject matter of the application herein.

That the Commission is fully advised in the premises.

That Kansas-Nebraska Natural Gas Company, Inc., applicant herein, is a corporation duly qualified to do business in the State of Colorado, and that Company has filed a certified copy of its Articles of Incorporation, as amended, with this Commission.

That applicant is fully qualified to conduct the operation proposed in the instant application.

That applicant has filed with the Commission sufficient evidence to show that said applicant has received the required consent, franchise, permit, Ordinance, vote or other authority of the towns of Eckley and Wray, in Yuma County, Colorado, sought to be served herein.

That public convenience and necessity require approval of the construction, installation, maintenance, and operation of the necessary transmission lines, town border stations and distribution systems to serve the Towns of Eckley and Wray in Yuma County, Colorado.

That public convenience and necessity require the exercise by applicant herein of the rights and privileges granted to applicant by the Board of Trustees of the Town of Eckley in Ordinance No. 22, granted April 3, 1956, and of the rights and privileges granted to applicant by the electors of the City of Wray in Ordinance No. 173 granted January 8, 1952.

That the public health and safety require the installation by applicant of suitable equipment to odorize all gas in its distribution mains before sale to customers in the Towns of Eckley and Wray.

That applicant, within ninety days after the completion of the construction of the facilities authorized herein, should file with the Commission the "as constructed" map of the system, together with the actual cost of construction, itemized in accordance with the Uniform Classification of Accounts for Gas Utilities as prescribed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That this Order shall be taken, deemed and held to be a certificate of public convenience and necessity to Kansas-Nebraska Natural Gas Company, Inc., applicant herein, to construct, install, maintain, and operate gas transmission and distribution systems in the State of Colorado, to serve the Towns of Eckley and Wray in Yuma County, all as set forth more particularly in, and in accordance with, the above and foregoing Statement, which, by reference, is made a part hereof.

That this Order shall be taken, deemed and held to be a certificate of public convenience and necessity to the said applicant to exercise the rights and privileges granted to applicant by the Board of Trustees of the Town of Eckley in Ordinance No. 22 granted April 3, 1956, and of the rights and privileges granted to applicant by the electors of the City of Wray in Ordinance No. 173 granted January 8, 1952.

That applicant shall install and maintain suitable equipment to odorize all gas in its distribution mains before sale to customers in the Towns of Eckley and Wray.

That applicant herein shall commence construction of the aforesaid gas transmission and distribution systems within 60 days from the date hereof, and shall promptly advise the Commission, in writing, of the date of the commencement of the same, and the date of the completion of the same.

That applicant shall, within at least thirty (30) days before any gas is sold to its customers in the said Towns of Eckley and Wray in Yuma County, file with the Commission its rates, schedules, rules and regulations under which it proposes to operate.

That applicant, within ninety days after the completion of the construction of the facilities authorized herein, shall file with the Commission the "as constructed" map of the system,

together with the actual cost of construction, itemized in accordance with the Uniform Classification of Accounts for Gas Utilities as prescribed by this Commission.

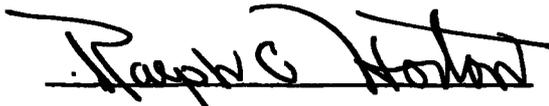
That applicant shall, at the time when gas service by it is first instituted under the certificate granted herein, set up its books and accounts in accordance with the Uniform Classification of Accounts for Gas Utilities, prescribed by this Commission, which said books and accounts shall, as nearly as possible, show separately the Colorado equipment and plant, and the income and expense applicable to the said gas transmission and distribution system in the State of Colorado, and shall bring all practices as to meter testing, customers' deposits and operations, records of meters and complaints, into compliance with the requirements of this Commission.

That applicant shall otherwise and at all times comply with the rules and regulations of this Commission.

That the Commission shall retain jurisdiction of the instant matter to make such further order, or orders, as may be required in the premises.

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 1st day of May, 1956.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WENDELL AND HAROLD AHNSTEDT, DOING )	
BUSINESS AS "AHNSTEDT TRUCK LINE," )	
HOLYOKE, COLORADO, FOR AUTHORITY )	
TO TRANSFER INTERSTATE OPERATING )	PUC NO. 1018-I-Transfer
RIGHTS TO WENDELL AHNSTEDT, DOING )	
BUSINESS AS "AHNSTEDT TRUCK LINE," )	
HOLYOKE, COLORADO. )	
----- )	

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May 1, 1956  
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S T A T E M E N T

By the Commission:

Heretofore, Wendell Ahnstedt and Harold Ahnstedt, doing business as "Ahnstedt Truck Line," Holyoke, Colorado, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle, in interstate commerce, and PUC No. 1018-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Wendell Ahnstedt, doing business as "Ahnstedt Truck Line," Holyoke, Colorado.

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 Wendell Ahnstedt and Harold Ahnstedt, doing business as "Ahnstedt Truck Line," Holyoke, Colorado, be, and

hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1018-I, to Wendell Ahnstedt, doing business as "Ahnstedt Truck Line," Holyoke, Colorado, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of May, 1956.

ea

original

(Decision No. 45734)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WARREN SWIGART, DOING BUSINESS AS )  
"CHIEFTAIN VAN & STORAGE," 45 NORTH )  
MAIN STREET, COUNCIL BLUFFS, IOWA, )  
FOR AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO GEORGE R. WHITNEY, )  
DOING BUSINESS AS "CHIEFTAIN VAN & )  
STORAGE, 45 NORTH MAIN STREET, )  
COUNCIL BLUFFS, IOWA )  
----- )

PUC NO. 1466-I-Transfer

-----  
May 1, 1956  
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S T A T E M E N T

By the Commission:

Heretofore, Warren Swigart, doing business as "Chieftain Van & Storage, Council Bluffs, Iowa, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 1466-I issued to him.

Said certificate-holder is now desirous of transferring said PUC No. 1466-I to George R. Whitney, doing business as "Chieftain Van & Storage," Council Bluffs, Iowa.

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

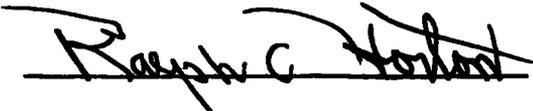
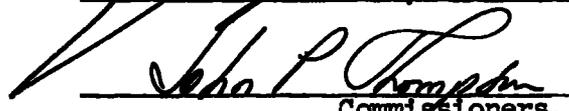
THE COMMISSION ORDERS:

That Warren Swigart, doing business as "Chieftain Van & Storage," Council Bluffs, Iowa, be, and is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 1466-I to George R. Whitney, doing business as "Chieftain

Van & Storage," Council Bluffs, Iowa, 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.

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 1st day of May, 1956.

ea

Original

(Decision No. 45735)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. S. HILLIKER, DOING BUSINESS AS )  
"FLEET DISTRIBUTING SERVICE," 1337 )  
34TH STREET, DENVER, COLORADO, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO FLEET DISTRIB- )  
UTING SERVICE, INC., A CORPORATION, )  
1337 - 34TH STREET, DENVER, COLORADO.)  
-----)

PUC NO. 2730-I-Transfer

-----  
May 1, 1956  
-----

S T A T E M E N T

By the Commission:

Heretofore, E. S. Hilliker, doing business as "Fleet Distributing Service," Denver, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 2730-I issued to him.

Said certificate-holder is now desirous of transferring said PUC No. 2730-I to Fleet Distributing Service, Inc., a corporation, Denver, Colorado.

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 of operating rights known as "PUC No. 2730-I" is in the public interest, and should be authorized, subject to outstanding indebtedness against said operation, if any there be.

O R D E R

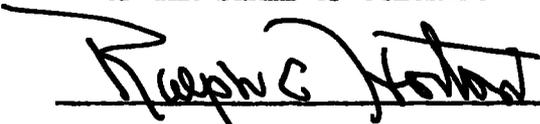
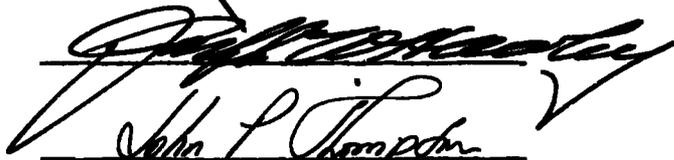
THE COMMISSION ORDERS:

That E. S. Hilliker, doing business as "Fleet Distributing Service," Denver, Colorado, be, and hereby is, authorized to transfer

all his right, title, and interest in and to FUC No. 2730-I to Fleet Distributing Service, Inc., a corporation, Denver, Colorado, 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. W. PARCELL, DOING BUSINESS )  
AS "CIRCLE ROUTE STAGE LINE," )  
SILVERTON, COLORADO. )

PUC NO. 12

-----  
May 3, 1956  
-----

S T A T E M E N T

By the Commission:

L. W. Parcell, doing business as "Circle Route Stage Line,"  
Silverton, Colorado, is the owner of PUC No. 12, authorizing the oper-  
ation of an automobile stage line for the transportation of:

passengers, baggage and freight between  
Silverton, Colorado, and Ouray, Colorado,  
via Red Mountain, Colorado.

On May 5, 1953, by Decision No. 40428, said certificate-  
holder was authorized to suspend operations under said PUC No. 12 for  
a period of one year, or until May 5, 1954.

On May 4, 1954, by Decision No. 42688, said certificate-  
holder was authorized to suspend operations under said PUC No. 12 for  
a period of one year, or until May 5, 1955.

On April 20, 1955, by Decision No. 44170, said certificate-  
holder was authorized to further suspend operations under PUC No. 12  
for a period of one year, or until May 5, 1956.

The Commission is in receipt of a communication from said  
L. W. Parcell, requesting that he be authorized to further suspend  
operations under said operating rights for a period of one year.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

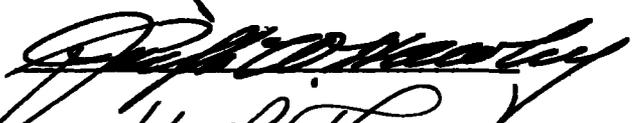
O R D E R

THE COMMISSION ORDERS:

That L. W. Parcell, doing business as "Circle Route Stage Line," Silverton, Colorado, should be, and he hereby is, authorized to further suspend operations under PUC No. 12 for a period of one year, or until May 5, 1957.

That unless said certificate-holder shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall stand revoked, without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EDWIN H. HEIMSOOTH, DOING BUSINESS AS )  
"HEIMSOOTH TRUCK LINES," R. R. 1, )  
SEDALIA, MISSOURI. )

PERMIT NO. M-7232

\_\_\_\_\_  
May 3, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Edwin H. Heimsooth, dba "Heimsooth Truck Lines"

requesting that Permit No. M-7232 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7232, heretofore issued to \_\_\_\_\_

Edwin H. Heimsooth, dba "Heimsooth Truck Lines" be,

and the same is hereby, declared cancelled effective April 26, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 3rd day of May, 1956.

original

(Decision No. 45738)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ARCHIE LEVY, DOING BUSINESS AS )	
"LEVY'S TRANSFER & STORAGE CO.," )	
508 KANSAS AVENUE, WALSENBURG, COLO- )	APPLICATION NO. <u>14341-Transfer</u>
RADO, FOR AUTHORITY TO TRANSFER PUC )	
NO. 570 TO ANNA GASPERETTI, P. O. )	
BOX 333, WALSENBURG, COLORADO. )	

-----  
May 7, 1956  
-----

Appearances: Marion F. Jones, Esq.,  
Denver, Colorado, and  
R. D. Moyer, Esq., Albu-  
querque, New Mexico,  
for Transferor;  
Barry and Hupp, Esqs.,  
Denver, Colorado, for  
Transferee.

S T A T E M E N T

By the Commission:

Transferor herein is the owner of PUC No. 570, authorizing  
the transportation of:

Freight and household goods between Walsenburg  
and points in Colorado, as an irregular carrier;

Transportation of freight (including household  
goods) and excepting livestock, between points  
in Huerfano County, and from and to points in  
said county on the one hand, and, on the other,  
to and from points in the State of Colorado,  
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, applicant shall charge rates which, in all cases, shall be at least 20% in excess of those charged by carriers operating on schedule;
- (b) applicant shall not operate on schedule between any points;
- (c) applicant shall not be permitted, without further order of the Commission, to establish a branch office or to have an agent employed in any town or city other than Walsenburg for the purpose of developing business; and

(d) jurisdiction in the matter is retained by the Commission.

By the instant application, Archie Levy, doing business as "Levy's Transfer & Storage Co.," Walsenburg, Colorado, Transferor herein, seeks authority to transfer said PUC No. 570 to Anna Gasperetti, of Walsenburg, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the City Hall in Pueblo, Colorado, April 26, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

It appears from the evidence that the consideration for the transfer of the certificate of public convenience and necessity is the sum of \$3,000, to be paid in cash upon the approval of the transfer by this Commission. Transferor agrees that he will not engage in the business of transporting freight or household goods in the areas covered by the certificate for a period of five years from the date of the order of the Commission.

The evidence also disclosed that Description of Equipment of transferee is on file with the Commission, and her operating experience and financial responsibility were established to the satisfaction of the Commission, her net worth being \$47,526.03.

No one appeared at the hearing to protest the transfer of said certificate.

#### 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 Archie Levy, doing business as "Levy's Transfer & Storage Co.," Walsenburg, Colorado, should be, and he hereby is, author-

ized to transfer all his right, title, and interest in and to PUC No. 570 -- being the authority as set forth in the above and foregoing Statement, which, by reference, is made a part hereof -- to Anna Gasperetti, Walsenburg, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

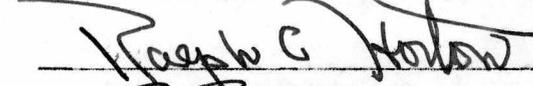
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements 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, unless such time shall be extended by the Commission, upon proper application.

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 operations under said certificate up to the time of transfer of said certificate.

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 7th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PRESCRIPTION OF RATES ON )  
PETROLEUM AND PETROLEUM PRODUCTS, )  
IN BULK, IN TANK TRUCKS, FROM, TO, )  
AND BETWEEN POINTS IN MOUNTAIN )  
TERRITORY IN INTRASTATE TRAFFIC )  
IN THE STATE OF COLORADO. )  
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CASE NO. 1585

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May 2, 1956  
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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 rates, rules, regulations and charges advertised to become effective May 11, 1956, designated as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required to prescribe the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

The Colorado Motor Carriers' Association, Agent, in their Motor Freight Tariff No. 7, Colorado P.U.C. No. 8, published on April 10, 1956, and to be effective May 11, 1956, rates in cents per gallon on petroleum and petroleum products, viz: absorption oil, blended gasoline (covers motor fuels containing 50 per cent or more of gasoline), gasoline, except casinghead (natural) gasoline, naphtha, and refined oil, viz: illuminating or burning, gas oil, diesel fuel, furnace oil, or distillate

(does not include residual fuel oil or burner fuels Nos. 4, 5 or 6.)  
Applicable on shipments originating at or destined to points in mountain territory between Denver (.500) and La Junta (1.389) and Martin Missile Plant (near Waterton, Colorado) with the following routings: between Denver and the Martin Missile Plant, U. S. Highway 85, Littleton, Colorado, 75; La Junta and the Martin Missile Plant, U. S. Highway 50, Pueblo, U. S. Highway 85, Littleton, Colorado, 75.

The rates as set forth are comparable to rates for movements in plains territory for similar distances. The Martin Missile Plant is located three miles into mountain territory. The mountain and plains territories having been previously prescribed indicate the dividing line between the two territories as a line via airline from Morrison, Colorado, to the junction of Colorado Highways 67 and 105 (west of Sedalia). However, the three miles are comparable to movements within plains territory. Therefore, it is reasonable to assume that the rates are just and reasonable by token of these past similar rates which have been in effect for some time.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

#### O R D E R

##### THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on May 11, 1956, be the prescribed rates, rules, regulations and provisions of the Commission.
4. 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 carriers.

5. On and after May 11, 1956, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.

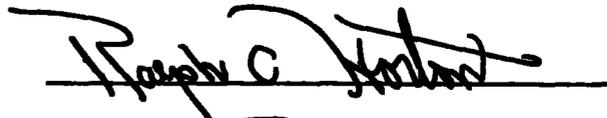
6. On and after May 11, 1956, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. 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.

8. 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.

9. 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 2nd day of May, 1956.

mem

APPENDIX "A"

Rates in cents per gallon on Petroleum and Petroleum Products, as described below, applicable on shipments originating at or destined to points in mountain territory.

AND	BETWEEN	DENVER (See Note #)			LA JUNTA (See Note *)		
		Distance	Rate	Route	Distance	Rate	Route
	Martin Missile Plant (Near Waterton)	21	.500	1	182	1.389	2

Route No. 1 - U. S. Highway 85 Littleton, Colorado 75.

No. 2 - U. S. Highway 50 Pueblo, U. S. Highway 85 Littleton, Colorado 75.

Note # - Application of Distance and Rates from Denver, Colorado:

The distances and rates herein provided from Denver shall apply from the following refineries and terminals located in the Denver area: Bay Petroleum Refinery; Continental Oil Company Refinery; Empire Storage Company; Oriental Oil Refinery; Perry Petroleum Refinery; Phillips Petroleum Company Terminal; Shamrock Oil and Gas Corp. Terminal; Skelly Oil Company and Wyco Pipe Line Terminal (Dupont).

Note \* - Application of Distance and Rates from La Junta, Colorado:

The distances and rates herein provided from La Junta shall also apply from the Phillips Petroleum Pipe Line Terminal and Shamrock Petroleum Pipe Line Terminal.

Petroleum and Petroleum Products, viz:

- Absorption Oil;
- Blended Gasoline (See note 1);
- Gasoline (Except casinghead (natural) gasoline);
- Naphtha;
- Refined oil, viz: illuminating or burning; gas oil; diesel fuel; furnace oil; or distillate (See note 2).

In bulk in tank trucks, minimum shipment shell capacity of tank truck used, subject to estimated weight of 6.6 pounds per gallon.

Note 1: The term "Blended Gasolines" covers motor fuels containing 50 per cent or more of gasoline.

Note 2: This description does not include residual fuel oil or burner fuel Nos. 4, 5 or 6.

*original*

(Decision No. 45740)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
J. R. LOWELL, JR., AND J. M. GAFFNEY,  
CO-PARTNERS, DOING BUSINESS AS "G & L  
TRACTOR SERVICE," 722 MIDLAND SAVINGS  
BUILDING, DENVER, COLORADO, FOR A  
CLASS "B" PERMIT TO OPERATE AS A  
PRIVATE CARRIER BY MOTOR VEHICLE FOR  
HIRE.  
-----)

APPLICATION NO. 14000-PP  
SUPPLEMENTAL ORDER

-----  
May 3, 1956  
-----

Appearances: Paul M. Hupp, Esq., Denver,  
Colorado, for applicants;  
Truman A. Stockton, Jr., Esq.,  
Denver, Colorado, and  
John H. Lewis, Esq., Denver,  
Colorado, for Northeastern  
Motor Freight, Atwood Truck  
Line, Ferguson Trucking  
Company;  
Kreager and Sublett, Esqs.,  
Sterling, Colorado, for  
Neff Trucking Company,  
Rogers Trucking Company,  
Whitlock Truck Company.

S T A T E M E N T

By the Commission:

By Decision No. 45688, of date April 20, 1956, G & L  
Tractor Service, Inc., a Colorado corporation, Denver, Colo-  
rado, was authorized to operate as a Class "B" private carrier  
by motor vehicle for hire, for the transportation of oil field  
equipment, including D-4 Caterpillar tractors not exceeding  
three tons capacity, from point to point within the area gen-  
erally described as the Denver-Julesburg Basin, viz., all points  
in the State of Colorado lying east of Highway No. 87, provided,  
however, that for transportation service in competition with  
line-haul common carriers, applicant shall charge rates which

shall be twenty per cent in excess of those charged by said common carriers.

The Commission is now in receipt of a communication from the attorney for applicant, stating that a specific restriction agreed to at the hearing was overlooked in said decision and order, and asked that an amended order be issued to include said restriction as it was the intention of applicant, as well as the Commission, to so restrict the authority.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Decision No. 45688 should be amended, as provided in the Order following.

#### O R D E R

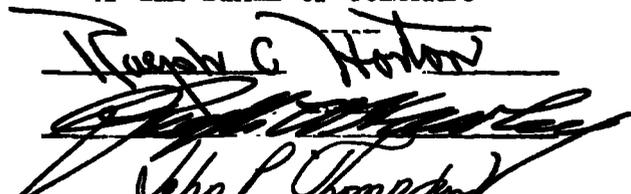
##### THE COMMISSION ORDERS:

That Decision No. 45688, of date April 20, 1956, should be, and the same is hereby, amended, nunc pro tunc as of said 20th day of April, 1956, by completely striking the second paragraph of the Order contained in said decision and inserting in lieu thereof, the following:

"That G & L Tractor Service, Inc., a Colorado corporation, Denver, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of oil field equipment, from point to point within the area generally described as the Denver-Julesburg Basin, viz., all points in the State of Colorado lying east of Highway No. 87, provided, however, that for transportation service in competition with line-haul common carriers, applicant shall charge rates which shall be twenty per cent in excess of those charged by said common carriers, and further provided that applicant shall not use more than four power units, none of which shall be in excess of three tons rated capacity."

That, except as herein amended, said Decision No. 45688 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of May, 1956.  
ea

original

(Decision No. 45741)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER TRAMWAY CORPORATION, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER EXPRESS RIGHTS AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE )  
UNDER CERTIFICATE NO. 210, BETWEEN )  
DENVER, COLORADO, AND GOLDEN, COLO- )  
RADO, TO CONTINENTAL BUS SYSTEM, INC., )  
DENVER, COLORADO. )  
----- )

APPLICATION NO. 14247-Transfer.

-----  
May 4, 1956  
-----

- Appearances: R. B. Danks, Esq., Denver,  
Colorado, for The Denver  
Tramway Corporation;  
John R. Barry, Esq., Denver,  
Colorado, for Continental  
Bus System, Inc.;  
Lee H. Henderson, Golden, Colo-  
rado, for Golden Chamber of  
Commerce;  
A. L. Mueller, Esq., Denver,  
Colorado, and  
J. L. McNeill, Denver, Colorado,  
for the Commission;  
Thomas Pyle, Golden, Colorado,  
pro se;  
L. L. Perry, Golden, Colorado,  
Mayor pro tem, City of Golden.

S T A T E M E N T

By the Commission:

For many years, The Denver Tramway Corporation, by its subsidiary, The Denver and Intermountain Railroad Company, operated a rail service for the transportation of freight, light express, and passengers from Denver to Golden, and from Denver through Arvada, to Leyden, Colorado. In a series of abandonments and a sale of the rail-freight operation, with a coincidental change to operation by motor bus, the haulage of express, small parcels (less than 50 pounds weight), mail, newspapers, etc., has become incorporated into Public Utilities Commission Certificate

No. 210, now held by The Denver Tramway Corporation. Said certificate, as extended, now authorizes inter alia, the transportation of passengers in the City and County of Denver, and in certain parts of Adams, Arapahoe, and Jefferson Counties.

For various reasons which will be further developed, Denver Tramway states that it is not now practical or economical to continue the haulage of express or other packages not being carried by its passengers. The application to abandon transportation of express service, in Application No. 13895, was filed with the Commission on December 22, 1955.

It has since developed that by virtue of operating an interstate bus service from Denver westward via Golden, Colorado, the Continental Bus System, Inc. has indicated its interest and desire to maintain the express and small parcel haulage between Denver and Golden, Colorado, which Denver Tramway proposes to abandon. Application to transfer the Golden portion of PUC No. 210, as captioned above, in Application No. 14247-Transfer, was filed with the Commission on March 14, 1956.

Pursuant to prior setting, after appropriate notice to all parties in interest, including the Chambers of Commerce at Golden and Arvada; the Colorado School of Mines, Golden, Colorado; the Golden Transcript and the Arvada Enterprise, said matters were heard by the Commission at 330 State Office Building, Denver, Colorado, on April 6, 1956, and upon conclusion of the evidence, were taken under advisement.

By agreement of counsel, the two matters were consolidated for purpose of hearing, since much of the testimony would be similar in each application. Request was made by counsel for applicant that consideration be first given by the Commission to the matter of transfer and then consider abandonment of the remaining express authority.

We will therefore review herewith, the testimony applicable to the transfer of express haulage under Application No. 14247-Transfer.

By Applicant

Mr. T. P. Williams, Superintendent of Transportation, for The Denver Tramway Corporation, stated that the haulage of express in the Tramway passenger buses has become a burdensome operation for many reasons, viz:

1. Items range from very small packages of false teeth and medicines to large or bulky items since any size package that can be handled in a bus must be accepted.
2. Many items approach the weight limit of 50 pounds, and extra help must be secured for loading, since the lady attendant at the Denver Ticket Office is unable to do the work. The bus must be double-parked for loading, and the driver is not permitted to leave the vehicle.
3. Construction of new garage and terminal facilities at West Alameda Avenue in South Denver will provide new working quarters for the Schedule Department workers and help will no longer be available for the Denver loading.
4. Since Tramway service does not include any other type of vehicle, standard passenger buses are used on the Golden and Arvada runs and are not equipped with baggage compartments, hence, packages containing valuable jewelry items, food items and sandwiches must be placed on the seats; heavy automobile parts, bulky items and exhaust tail pipes must be placed in the aisle of the bus and become serious safety hazards for patrons boarding or alighting.
5. A small station is rented at Golden where a male employee is maintained in connection with the express handling and for the occasional sales (average one per day) of commutation ticket books. It is possible to sell ticket books through a local merchant in Golden on a Commission basis; other and more productive occupations are available for the station attendant; the expenses of utilities and rent can be eliminated by closing the express station, which is not required as a passenger shelter at the terminal.

To show the volume of express business handled, Mr.

Williams explained the following exhibit, which was duly received:

Exhibit No. 1: Statement of Monthly Express Shipments for Year 1955, Denver to Golden and Denver to Arvada.

He stated, too, that practically 100% of the express business is handled between the above-mentioned terminal points, with only a very small amount handled at intermediate points since no inter-

mediate stations are maintained. The intermediate station names are a carry-over from the time of interurban rail operation, and the fact that present bus service generally parallels the former rail route. Present route is westward along West Colfax Avenue or West 10th Avenue, thence by U. S. Highway No. 40 to the Old Golden Road, and into the Golden business district. No merchandise has been refused for transportation; however, loadings have been made only on base-time trips and omitted during rush-hours because of passenger inconvenience. It was his knowledge that with a discontinuance of Tramway service there would be alternate service available by other carriers specializing in express and freight movement, namely, Package Delivery Service of Denver, and Westway Freight Lines of Golden.

By Transferee Continental Bus System, Inc.

Mr. Charles Deisher, General Traffic Manager for Continental Bus System, Inc., at Denver, Colorado, stated that presently there are three scheduled buses that operate both eastward and westward daily through Golden, Colorado, enroute between Denver, Colorado, and Salt Lake City, Utah. He explained that as a result of restrictions in effect since the time of interurban rail operations, Continental is not permitted to serve Golden to Denver or return in the transportation of express or small parcels. He recounted that the movement of "Bus Express" is an integral part of the interstate bus business and is actively solicited by his firm in the area served by Continental. In that regard, he explained that many shippers and warehousing firms similar to Hendrie & Bolthoff also prefer a single carrier for merchandise movement into the respective areas of the state. At Denver, a well-equipped bus terminal is maintained with appropriate baggage and express storage rooms; trained employees are available to receive and bill merchandise and properly load the buses for safe transit movement and unloading enroute. The

buses operating on this interstate route are designed for express and light freight movement, several baggage compartments being built into the space beneath the seats, baggage racks over the seats are available for passengers' hand luggage, and new buses of the double-level type have an extra large rear-end cargo space.

Continental is desirous to serve the City of Golden, and to that extent has entered into a contract-agreement with Denver Tramway for the transfer of that portion of PUC No. 210 related to the operation of express service by motor bus between Denver and Golden, Colorado, and return, said agreement being offered and received in evidence, as follows:

Exhibit No. 2: Purchase Agreement, dated March 13, 1956, between The Denver Tramway Corporation and Continental Bus System, Inc.

In response to staff questioning and further explanation of the nature of service Continental would provide, Mr. Deisher offered a time table of the service now being provided, which was received as:

Exhibit No. 3: Continental Trailways Bus Schedules. Folder No. 1, April 1, 1956.

He explained the daily service now available would be as follows:

<u>Leave Denver</u>	<u>Arrive Golden</u>
12:01 A. M.	12:29 A. M.
8:45 A. M.	9:14 A. M.
4:30 P. M.	4:59 P. M.

Return Trips:

<u>Leave Golden</u>	<u>Arrive Denver</u>
6:03 A. M.	6:35 A. M.
4:00 P. M.	4:30 P. M.
10:48 P. M.	11:20 P. M.

Relative to loading deadlines and route, he reported that the buses can be held for emergency shipments; that many intermediate stops are now made and that the route is along West Colfax Avenue, U. S. Highway No. 40, the Old Golden Road, into Golden for a stop at The Holland House, where 24-hour service is maintained. He reported that auto tail-pipes would be carried

but that standard tariff restrictions would necessarily apply as in the case of perishables shipped in wet ice; that the minimum rate was now \$1.00 per package.

By Protestants

Testimony relative to the comparative type of service to be provided, and general reaction to the proposed transfer was offered by residents and businessmen from Golden, as follows:

Mr. F. A. Foss, Druggist, Golden, Colorado, reported he operates a Walgreen Agency, and has come to depend on Tramway service for several regular shipments per week, and a highly dependable emergency service when medicines are needed on short notice; he has had service at the rate of 25¢ per package, and the proposed rate appears excessive; the proposed service offers only one daily delivery that he can use as compared to nine trips provided by Tramway; that his shipments are largely inbound from Denver to Golden, and that Westway or Package Delivery service require delivery to their Denver terminals by 10:30 A. M., and the charge is \$1.55 minimum. He stated that Denver wholesale drug dealers only delivered to Denver City limits or Lakewood, and that it was not practical for him to carry large merchandise inventories because of Denver competition.

Mr. Ray Sparks, Golden, Colorado, reported he has operated the Sparks Motor Company for the past fifteen years, and has found Tramway service very dependable for emergency delivery of auto repair parts from Denver; that his usage has averaged once per day; that he would prefer Continental service to no service if there was an abandonment, as originally proposed. His principal emphasis was for emergency service, since overnight tourist facilities are limited during the summer months in Golden, and a breakdown for a motorist could become serious if required to remain overnight while waiting for parts to come from Denver.

Mr. Lee Henderson, Secretary-Manager of the Golden Chamber of Commerce, presented a letter of Dr. Leslie C. Anderson,

Dental Surgeon, Golden, Colorado, who was unable to attend the hearing. Again, emphasis was placed upon the ready availability of Tramway service for denture service into Denver, and return. Counsel for applicant noted that the complaint letter was written prior to the proposal as developed for transfer to Continental, and that a service would still remain.

No other protestants appeared, and no further testimony pertinent to the transfer was received.

In the instant matter we note from Exhibit No. 1 that Denver-Golden revenues range from \$80.00 in the month of December to a high of \$113.41 in May 1955. Monthly average was \$93.80. It is readily apparent that this meager income will not meet the \$325.00 to \$350.00 per month wage requirement of the Golden agent, plus the other expense items at the station. We marvel that no injuries have been reported as a consequence of the parcel loading in bus aisles which the bus patrons have endured. Since Tramway does not own or operate any properly designed buses to safely handle the express or small freight shipments under consideration herein, it does not follow that consideration can be given to increased rates as an incentive to continue the operation. On the other hand, we have a request from another and properly equipped carrier, requesting authority to render the service -- a carrier the Commission knows is financially able, having efficiently performed a combined passenger and "Bus Express" operation in this state.

We are familiar with the financial perplexities confronting Tramway management in the maintenance of a mass transit service for Denver and its environs, including service to Golden, Colorado. It is apparent that certain economies can result if the service is discontinued, and which will inure to the benefit of the fare-paying passengers who are in a greater majority than the merchants who will be inconvenienced. The extent of the merchants' inconvenience will not be full and complete since other

and alternate common carrier service is available, and we will so find that the proposed transfer be authorized.

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

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 Denver Tramway Corporation, Denver, Colorado, should be, and it hereby is, authorized to transfer to Continental Bus System, Inc., Denver, Colorado, all its right, title, and interest in and to the following described express rights, as contained in PUC Certificate No. 210, and being the transportation as a common carrier by motor vehicle of mail, express, and newspapers, to and from Denver, Colorado, and Golden, Colorado, and all intermediate points as served by The Denver Tramway Corporation.

That said transfer is subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

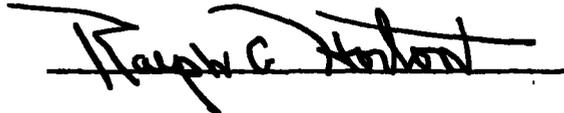
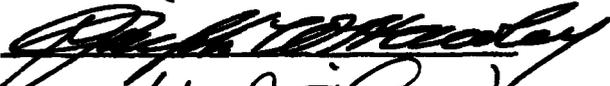
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said authority has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be 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, unless such time shall be extended by the Commission upon proper application.

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 operations under said certificate up to the time of transfer of said authority.

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 4th day of May, 1956.

ea

original

(Decision No. 45742)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER TRAMWAY CORPORATION, FOR )  
AUTHORITY TO ABANDON THE TRANSPORTA- )  
TION OF EXPRESS OF WHATEVER KIND )  
UNDER CERTIFICATE NO. 210. )  
----- )

APPLICATION NO. 13895

-----  
May 4, 1956  
-----

Appearances: R. B. Danks, Esq., Denver,  
Colorado, for The Denver  
Tramway Corporation;  
John R. Barry, Esq., Denver,  
Colorado, for Continental  
Bus System, Inc.;  
Lee H. Henderson, Golden, Colo-  
rado, for Golden Chamber of  
Commerce;  
A. L. Mueller, Esq., Denver,  
Colorado, and  
J. L. McNeill, Denver, Colorado,  
for the Commission;  
Thomas Pyle, Golden, Colorado,  
pro se;  
L. L. Perry, Golden, Colorado,  
Mayor pro tem, City of  
Golden.

S T A T E M E N T

By the Commission:

For many years, The Denver Tramway Corporation, by its subsidiary, The Denver and Intermountain Railroad Company, operated a rail service for the transportation of freight, light express, and passengers from Denver to Golden, and from Denver through Arvada to Leyden, Colorado. In a series of abandonments and a sale of the rail-freight operation, with a coincidental change to operation by motor bus, the haulage of express, small parcels (less than 50 pounds weight), mail, newspapers, etc., has become incorporated into Public Utilities Commission Certificate No. 210, now held by The Denver Tramway Corporation. Said

certificate, as extended, now authorizes, inter alia, the transportation of passengers in the City and County of Denver, and in certain parts of Adams, Arapahoe, and Jefferson Counties.

For various reasons, which will be further developed, it appears that it is not now practical or economical for applicant to continue the haulage of express or other packages not being carried by its passengers. The application to abandon transportation of express service, as captioned above in Application No. 13895, was filed with the Commission on December 22, 1955.

It has since developed that by virtue of operating an interstate bus service from Denver westward via Golden, Colorado, the Continental Bus System, Inc. has indicated its interest and desire to maintain the express and small parcel haulage between Denver and Golden, Colorado, which haulage the Denver Tramway proposes to abandon. Application to transfer the Golden portion of PUC No. 210, in Application No. 14247-Transfer, was filed with the Commission on March 14, 1956.

Pursuant to prior setting, after appropriate notice to all parties in interest, including the Chambers of Commerce at Golden and Arvada; the Colorado School of Mines, Golden, Colorado; the Golden Transcript and the Arvada Enterprise, said matters were heard by the Commission at 330 State Office Building, Denver, Colorado, on April 6, 1956, and upon conclusion of the evidence, were taken under advisement.

By agreement of counsel, the two matters were consolidated for purpose of hearing, since much of the testimony would be similar in each application. Request was made by counsel for applicant, that consideration be first given by the Commission to the matter of transfer, and then consider abandonment of the remaining express authority.

We will therefore review herewith, that portion of the testimony pertaining to the abandonment of express service to Arvada.

By Applicant

Mr. T. P. Williams, Superintendent of Transportation, for The Denver Tramway Corporation, explained that haulage of express in Tramway vehicles is not provided to any other points served under PUC No. 210; that the present service to Golden (Route #84), and Arvada (Route #82), has become quite burdensome for many reasons, viz:

1. Items range from very small packages of false teeth and medicines to large or bulky items, since any size package that can be handled in a bus must be accepted.
2. Many items approach the weight limit of 50 pounds, and extra help must be secured for loading, since the lady attendant at the Denver Ticket Office is unable to do the work. The bus must be double-parked for loading, and the driver is not permitted to leave the vehicle.
3. Construction of new garage and terminal facilities at West Alameda Avenue in South Denver will provide new working quarters for the Schedule Department workers, and help will no longer be available for the Denver loading.
4. Since Tramway service does not include any other type of vehicle, standard passenger buses are used on the Golden and Arvada runs and are not equipped with baggage compartments, hence, packages containing valuable jewelry items, food items, and sandwiches, must be placed on the seats; heavy automobile parts, bulky items, and exhaust tail pipes must be placed in the aisle of the bus and become serious safety hazards for patrons boarding or alighting.
5. No station is maintained by Tramway at Arvada, since a pickup and delivery method of handling is carried on at the Arvada Floral Shop, 7409 Grandview; service is rendered on 9 trips per day during the business hours from 9:30 A. M. to 5:30 P. M.

Volume of express business handled is shown by the following exhibit which was duly received:

Exhibit No. 1: Statement of Monthly Express Shipments for Year 1955, Denver to Golden and Denver to Arvada.

Some merchandise is also handled from Arvada to Denver, Colorado, but the volume is small.

According to Mr. Williams' testimony, the express items are mostly hard goods, with some perishables; further, that the proposed office relocation in Denver and resultant personnel re-adjustment, will lead to additional labor costs in order to handle the occasional heavy items that are offered for movement. He reported that handling costs now exceed \$1.00 per package, as compared to the current revenue of 25¢ per package.

As a matter of comparison, we note from Exhibit 1, that shipments have varied from a low of 39 pounds and revenue of \$5.25 in December 1955, to a maximum revenue of \$20.75 for movement of 307 pounds in August 1955. Total 1955 revenue was \$178.50, or an average of \$14.88 per month.

While some significance may attach to the fact that no one appeared from Arvada in protest of the proposed abandonment, we would infer from the small volume of express handled that the service has been in the nature of a convenience, which does not affect any broad segment of the general public, and the lack of interest becomes understandable.

We are familiar with the financial perplexities confronting Tramway management pertaining to the maintenance and operation of a dependable mass transit service for Denver and the suburban areas, including Arvada, Colorado. We are certain that in years gone by, the transportation of express by Tramway rail and bus routes was an important and remunerative public service; the instant matter certainly demonstrates an opposite situation at the present time. It is apparent that certain economies can result if the express service is discontinued; the function of Denver Tramway is now the movement of passengers and its equipment is so designed, since no express or freight compartments are provided. It therefore follows, in the absence of sufficient public demand for a service which is no longer profitable, that the request of Denver Tramway to abandon transportation of express shipments of whatever kind, except where

carried by a passenger, should be approved, and we will so find.

F I N D I N G S

THE COMMISSION FINDS:

That the present and future public convenience and necessity do not require the transportation of express shipments, mail, newspapers or light freight of any kind, as heretofore authorized in PUC Certificate No. 210, and the same may hereby be abandoned.

That, more specifically, the transportation of express and small parcels via Tramway Route No. 82, Arvada, Colorado, should be terminated.

That the foregoing Statement, by reference, is made a part of these Findings.

O R D E R

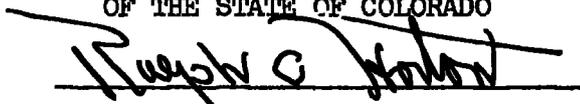
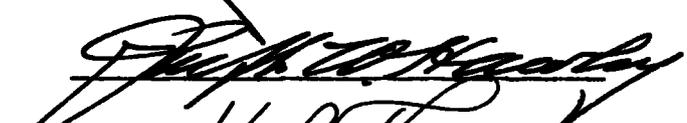
THE COMMISSION ORDERS:

That the present and future public convenience and necessity do not require the transportation of express shipments, mail, newspapers, or light freight of any kind, except when carried by a passenger, and that abandonment of said transportation as heretofore granted in PUC Certificate NO. 210 issued by this Commission to The Denver Tramway Corporation, is hereby authorized and approved.

That abandonment of transportation of express and small parcels, except where carried by a passenger, via Tramway Route No. 82, Arvada, Colorado, is hereby approved.

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 4th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
CHESTER BAY, LA JUNTA, COLORADO,  
FOR A CLASS "B" PERMIT TO OPERATE  
AS A PRIVATE CARRIER BY MOTOR VE-  
HICLE FOR HIRE.

APPLICATION NO. 14301-PP

-----  
May 4, 1956  
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Appearances: Chester Bay, La Junta,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, and  
R. D. Moyer, Esq., Albu-  
querque, New Mexico,  
for Wright Motor Lines.  
Herman L. Tyler, Fowler,  
Colorado, for Fowler  
Truck Line.

S T A T E M E N T

By the Commission:

On January 27, 1956, Chester Bay, of La Junta, 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 farm products, from farms within a radius of 35 miles of Rocky Ford, Colorado, to packing sheds and railroad shipping points within a radius of five miles of Rocky Ford, La Junta, Swink, Manzanola, and Fowler, Colorado; onions, from farms within a radius of fifty miles of Rocky Ford, Colorado, and from points within the Counties of Adams, Arapahoe, Weld, Bent, Morgan, Logan, and Prowers, to packing sheds and places of storage in Rocky Ford, La Junta, and Manzanola, Colorado.

The instant application was regularly set for hearing and heard at the Court House at La Junta, Colorado, on April 25, 1956, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of two 2-ton 1952 Chevrolet trucks which he proposes to use in his operation, if said application is granted. It further appears that applicant has been operating trucks for the past seven years and has a net worth of \$5,000.

Attorney for protestants asked for a recess so they might discuss with applicant the proposed service he wishes to give. At the conclusion of the recess, all parties agreed that applicant was entitled to authority to haul farm produce in the Rocky Ford area and they agreed upon a definite description of said authority to be granted, and stated that, if said authority was granted, they withdrew their objection. In the light of the stipulation entered into between the parties, it appears that said service is necessary and will not impair common carrier service now authorized to serve in the area.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application as hereinafter restricted should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Chester Bay, La Junta, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

Farm products, excluding livestock, from farms within a radius of 50 miles of Rocky Ford, Colorado, to packing sheds and railroad shipping points within 5 miles of Rocky Ford, Ordway, Las Animas, La Junta, and Swink, except that no onions or hay may be hauled to or from any point within a 15 mile radius of Fowler;

Onions from farms in Crowley, Otero, Prowers and Bent Counties to packing sheds and railroad shipping points within said Counties, except that no onions may be hauled to or from any point within a 15-mile radius of Fowler, Colorado;

Onions from farms in Weld, Logan, Morgan, Adams and Arapahoe Counties to packing sheds and railroad shipping points within said Counties.

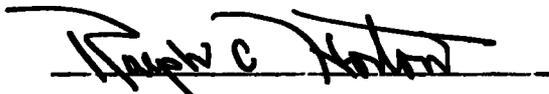
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 regulation 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 4th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF DAVID NAVA, 501 NORTH 12TH STREET, ROCKY FORD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	) ) ) )	<u>APPLICATION NO. 14306-PP</u>
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May 4, 1956  
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Appearances: David Nava, Rocky Ford, Colo-  
rado, pro se;  
Marion F. Jones, Esq., Den-  
ver, Colorado, and  
R. D. Moyer, Esq., Albuquerque,  
New Mexico, for Wright Motor  
Lines;  
Herman L. Tyler, Fowler, Colo-  
rado, for Fowler Truck Line.

S T A T E M E N T

By the Commission:

On January 27, 1956, David Nava, of Rocky Ford, 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 farm produce, from farms within a radius of 35-miles of Rocky Ford, Colorado, to packing sheds and railroad shipping points within a 5-mile radius of Rocky Ford, La Junta, Swink, Manzanola, and Fowler, Colorado; onions from farms within a radius of 50 miles of Rocky Ford, Colorado, and from points in Adams, Arapahoe, Weld, Bent, Morgan, Logan, and Prowers Counties, to packing sheds and places of storage in Rocky Ford, La Junta, and Manzanola, Colorado.

The instant application was regularly set for hearing at the City Hall, Pueblo, Colorado, on April 26, 1956.

When the application was called for hearing, applicant asked to have the matter vacated and to be re-set at some future date convenient to the Commission.

F I N D I N G S

THE COMMISSION FINDS:

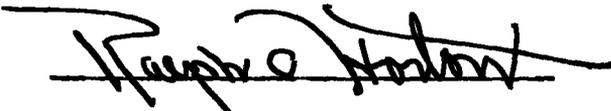
That said hearing should be vacated and re-set at some future date convenient to the Commission at the request of the applicant.

O R D E R

THE COMMISSION ORDERS:

That the hearing herein be, and the same hereby is, vacated, to be re-set at some future date convenient to the Commission with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of May, 1956.

mls

original

(Decision No. 45745)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PROPOSED INCREASES IN COMMUTATION  
TICKETS AND IN SCHOOL CHILDREN FARES  
BY COLORADO SPRINGS TRANSIT COMPANY,  
COLORADO SPRINGS, COLORADO.

INVESTIGATION AND SUSPENSION  
DOCKET NO. 386

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May 2, 1956  
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Appearances: Horn and Anderson, Esqs.,  
Colorado Springs, Colo-  
rado, by Robert E.  
Anderson, Esq., for  
Applicant.

S T A T E M E N T

By the Commission:

Colorado Springs Transit Company issued March 21, 1956, and filed on March 22, 1956, pursuant to statutory authority, its passenger tariff No. 8, Colo. P.U.C. No. 8, the effect of which is to increase the price of tokens from 10 for \$1.00 to 8 for \$1.00, and to increase fares for school children 12 years of age and over from 5¢ to 10¢ within each zone on school days until 4:30 P. M. Pursuant to statute, the increases were to become effective April 21, 1956.

By our Decision No. 45678, dated April 18, 1956, this proceeding was commenced, and the proposed increases were suspended for 120 days, or until the further Order of the Commission. The matter was set for hearing and heard on May 1, 1956, at the Court House, Colorado Springs, Colorado, upon due notice to the public and interested persons. At the conclusion of the hearing, the matter was taken under advisement.

Although no protests were received by the Commission as to the proposed increases, nevertheless the staff made an investigation of the finances of the Company to determine need for increased fares

and also investigated the adequacy of the service presently offered by the Company. Their reports indicate that the Company is rendering "quite an adequate service." The busses are clean, the drivers are courteous. All of the service is being rendered which the public requires and is willing to pay for. The service is presently operated at a loss, however, according to the staff reports.

At the hearing, Mr. David W. Cowen, Schedule Analyst for the Transit Company, testified concerning existing service within Colorado Springs and the suburban areas of Broadmoor, Ivywild, and Manitou Springs, and as to the service to the military installation at Fort Carson. It appears from his testimony that the Company receives approximately 90% of its total revenues between the hours of 7:00 A. M. and 6:00 P. M., although busses now operate before and after those hours. It is necessary for the Company to operate special or extra busses for service to school children during school hours. The revenue from those busses, fully loaded, at the present children's fares is not sufficient to pay even the wages of the operator. He also testified concerning a steady decline in the number of passengers carried, notwithstanding the growth of the City during recent years and attributed that decline in large part to the substantial growth in the number of automobiles in the area, the number of such automobiles registered in Colorado Springs having increased from approximately 18,000 in 1940 to over 42,000 in 1955.

Mr. Leo G. Richardson, Superintendent of Transportation for the Company, testified that the Company presently has 52 busses in active service, ranging from 31 passenger capacity to 44 passenger capacity. The newest of these are 1951 models, but they do not constitute even half of the total operated. It is therefore expected that the Company will need to purchase new equipment within the next few years. As supervisor of maintenance and operation, he is responsible for the up-keep of the equipment. He finds that the busses used principally

by children are much more roughly used than those used principally by adults. The most common examples of rough use are mud on seats, torn seats, and vandalism, including deliberate scratched paint, ripped seat covers, and such. As a result, it costs more to maintain vehicles used principally by children.

Mr. C. Robert Taylor, Company Auditor, also testified. It appears from his testimony that the number of passengers carried has declined from approximately 6,800,000 in 1951 to approximately 4,750,000 in 1955. The number carried during the first quarter of 1956 is approximately 50,000 (or 5%) less than in the first quarter of 1955. During this period, passenger revenues have declined from \$799,000 per year to \$690,000 per year. This decline has continued into 1956: revenues for the first quarter of 1956 being approximately \$10,000 under the first quarter of 1955. This decline even if not accelerated by increased fares will substantially consume the additional \$50,000 revenue anticipated from the fare increase proposed. The operating ratio of the Company in 1954 was 102.5; in 1955, it was 106.2. These ratios indicate that the Company operated at a loss both years. The dollar loss in 1954 was 23,831; in 1955, it was 45,916.

Mr. John M. Biery, Colorado Springs City Manager, testified that the City Council had discussed the proposed increase in fares and that so far as he, Mr. Biery, could determine, the councilmen had received no protests concerning the proposal from their constituents. The City government had not asked for this hearing, but in view of the situation there had determined to leave the matter of hearing entirely to the Commission.

The uncontradicted testimony, and the examination by our own staff amply demonstrate an urgent need for additional revenues if the transit system in Colorado Springs is to continue operations. While ordinarily the Commission hears a great deal of protest over transit fare increases, we have in this instance heard not a single complaint

directly or indirectly concerning the proposal. All of the circumstances viewed from every aspect indicate that the increase is needed if the efficient public service of this Company is to be maintained. In view of this conclusion, no reason appears to continue the investigation nor the suspension further, and the file will therefore be closed. The suspension of proposed fares will be lifted effective at 12:01 A. M. May 7, 1956.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated herein.

That the investigation has been completed and the file should be closed. The suspension of the fare increase should be lifted.

O R D E R

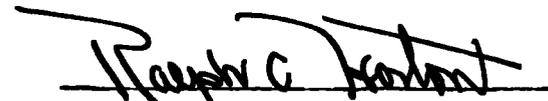
THE COMMISSION ORDERS:

That the suspension of the fare increase should be, and the same hereby is, lifted, effective at 12:01 A. M. May 7, 1956.

That the file should be, and the same hereby is, closed.

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 2nd day of May, 1956.

mls

original

(Decision No. 45746)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF INCREASED )	
FREIGHT RATES AND CHARGES )	APPLICATION NO. 14093
WITHIN COLORADO - 1956. )	<u>I.C.C. Ex Parte No. 196</u>
----- )	

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May 4, 1956  
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S T A T E M E N T

By the Commission:

On April 26, 1956, a document styled as a "Petition and Request to Intervene" was filed by Robert D. Means, Attorney for the Tank Truck Carriers Conference of the Colorado Motor Carriers Association. The petition questions the validity of our Decision No. 41030, dated July 29, 1953, which decision approved a permissive freight rate differential not to exceed 1½ cents per hundred pounds lower by rail than by truck on movement of petroleum and petroleum products for distances 75 miles or over from point of origin. This differential was adopted as to intrastate rail traffic by this Commission, following its prescription by The Interstate Commerce Commission in the case which set the pattern followed in our Decision No. 41030. The Interstate Commerce Commission's decision was challenged in, and approved by the Federal Courts.

The tank truck carriers were notified and appeared at the hearings regarding Investigation and Suspension Dockets Nos. 316 and 318, which resulted in Decision No. 41030 and subsequent decisions in this matter, but have not complained of it until now. As to them, that record is closed.

On March 12, 1956, in Decision No. 45480, we ordered that hearing be held regarding Application No. 14093, I. C. C. Ex Parte No. 196, which application sought an increase in intra-state railroad freight rates, in order that said rates would be on parity with interstate rates approved by the Interstate Commerce Commission on March 2, 1956. The truckers complain that they are adversely affected, competitively. A proposed increase in rail freight rates would appear to improve, rather than impair, the competitive position of the trucks. It is not apparent what interest they have, if any, in this latter matter. Hearing was held on Application No. 14093 April 5, 1956, at Denver, Colorado, and the matter was taken under advisement. It now stands submitted for decision. Intervention at this time does not appear appropriate.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings, by reference.

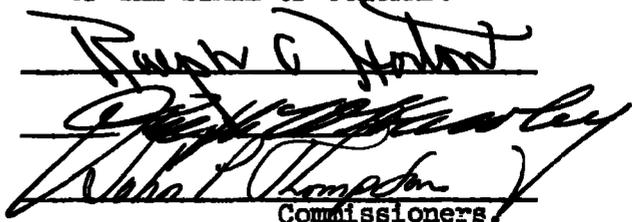
The Commission is of the opinion, and so finds, that the petitioners herein have not shown cause for obtaining leave to intervene in the matter of Application No. 14093, and the petition should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That the above and foregoing Statement and Findings be, and are hereby, made a part of this Order.
2. That the Petition and Request to Intervene be, and it is hereby denied.
3. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of May, 1956.  
ea

*original*

(Decision No. 45747)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
OLEN L. SMITH, DOING BUSINESS AS )	
"ACADEMY RIDING STABLE," 3750 MANI- )	
TOU BOULEVARD, COLORADO SPRINGS, )	<u>APPLICATION NO. 14155</u>
COLORADO, FOR A CERTIFICATE OF PUB- )	
LIC CONVENIENCE AND NECESSITY. )	
----- )	

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May 4, 1956  
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Appearances: Hamlin Smithdeal, Esq.,  
Colorado Springs, Colo-  
rado, for Applicant.

S T A T E M E N T

By the Commission:

On January 31, 1956, the present application was filed, stating generally that the applicant desires to engage in the business of carrying passengers on hay wagons in the Garden of the Gods Park, and that general area of El Paso County, Colorado, and asking that a certificate of public convenience and necessity be issued authorizing such transportation.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room, Colorado Springs, Colorado, February 21, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Smith, the applicant, testified in support of the application. He said that he has handled horses some thirty years and presently owns 23 horses. He formerly operated a riding stable and now has a rubber-tired wagon, with lights and brakes suitable and safe for hay ride purposes. He would commence his trips at his stables at 3750 Manitou Boulevard, Colorado Springs, and go thence through the Garden of the Gods and

by way of Balanced Rock to Manitou Boulevard, returning to his stables. Both Colorado Springs and Manitou Springs municipal officials are willing to license his operation and he has commitment for liability insurance. His net worth is approximately \$50,000. The service would be for pleasure and amusement only and only upon call and demand. The trip would take two to three hours; the minimum revenue per trip would have to be \$15.00. He estimates his charge would be \$1.00 per person in groups of 15 or more. He has been asked to offer this service by Girl Scout leaders, motel operators, and the local Chamber of Commerce. He does not believe that the operation is amenable to regulation by the Commission, nor that the public interest requires or justifies such regulation, but has filed his application so that, if the Commission determines regulation is required, he can obtain authority to operate. He also offered in evidence a statement by a motel operator in the area concerning a need for his service.

No one protested the application.

We have recently had occasion to consider an analogous situation in the matter of the application of the Broadmoor Hotel concerning its horse-drawn vehicles (Application No. 14083-Extension, Decision No. 45724, dated April 27, 1956). We will not at this time detail the reasoning in that decision, but will instead incorporate that decision into this one, as the two situations for our purpose are identical. It was our conclusion there, as it is here, that no emergency or other condition exists at present of such a nature that the public interest requires our supervising the operation of hay rides, or other horse-drawn vehicles. At the present time, therefore, it would impose what we consider an unreasonable burden upon such an operator to require him to file the usual reports, attend rate hearings and do the other things required of a public utility. It is entirely within the realm of possibility, however, that circumstances may change so that the supervision of the operation will be required at some future time.

We can relieve the applicant of an unnecessary burden and yet reserve the right to assert jurisdiction at a future time by dismissing the present application without prejudice. This will permit the applicant to operate for the present without regard to this Commission, secure in the knowledge that if his horse-drawn vehicle operation is later to be regulated, he will be so informed at some later time.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the instant application should be dismissed without prejudice.

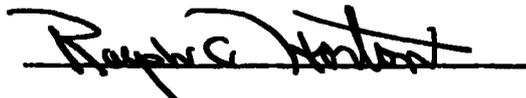
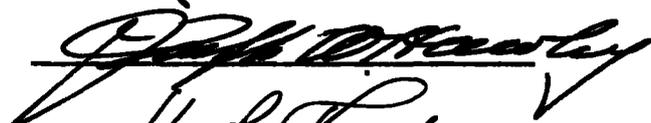
O R D E R

THE COMMISSION ORDERS:

That the instant application should be, and the same hereby is, dismissed without prejudice.

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 4th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSE ESEQUIEL PACHECO, 1628 EUCLID )  
STREET, PUEBLO, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 14307-PP

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May 4, 1956  
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Appearances: Jose Esequiel Pacheco,  
Pueblo, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On March 19, 1956, 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 road-surfacing materials, from pits and supply points in the State of Colorado, to road construction jobs within a radius of fifty miles of said pits and supply points, and from pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and homes and small construction 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; insulation rock, from pits and supply points in the State of Colorado to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the City Hall in Pueblo, Colorado, on April 26, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has suitable equipment with which to carry on his operations, and his financial responsibility and operating experience were established to the satisfaction of the Commission.

No one appeared in opposition to the granting of the instant application, and it did not appear that the granting of same, and applicants operations thereunder would impair the services of common carriers operating in the 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 Jose Esequiel Pacheco, 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 road-surfacing materials, from pits and supply points in the State of Colorado, to road construction jobs within a radius of fifty miles of said pits and supply points, and from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and homes and small construction 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; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties.

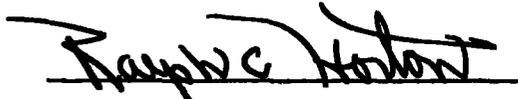
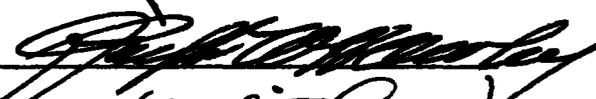
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of May, 1956.

ea

*original*

(Decision No. 45749)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GEORGE SCHWARTZ AND ALICE SCHWARTZ, )	
CO-PARTNERS, DOING BUSINESS AS "A-1 )	
TRANSFER COMPANY," 3917 GOODNIGHT )	
AVENUE, PUEBLO, COLORADO, FOR A CER- )	<u>APPLICATION NO. 14302</u>
TIFICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY TO OPERATE AS A COMMON )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

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May 4, 1956  
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Appearances: Jack Jenkins, Esq., Pueblo,  
Colorado, for applicants.

S T A T E M E N T

By the Commission:

On February 8, 1956, applicants herein filed their application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of all kinds of personal property, not of a weight too great for its equipment, over and on the streets and alleys of the City of Pueblo, State of Colorado, in which activity applicants have been engaged for more than ten years next prior to the date of application.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the City Hall, in Pueblo, Colorado, on April 26, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

It appears that applicants have been conducting the service here sought between points in Pueblo, Colorado, for many years; that such operations were conducted continuously up to January 1, 1955, on which date a Constitutional Amendment became effective granting this Commission jurisdiction over utility operations within the City of Pueblo, a home-rule city, and

that such operations were continued up to the date of hearing. They seek only to have confirmed their "Grandfather Rights" to continue the same operation. They have been using a 1½-ton stake body truck in their operations.

No one appeared in protest, and the Commission is satisfied that the operating experience of applicants and their financial stability are adequate to carry on said operations.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That George Schwartz and Alice Schwartz, co-partners, doing business as "A-1 Transfer Company," 3917 Goodnight Avenue, Pueblo, Colorado, should be, and hereby are, authorized to operate as a common carrier, on call and demand, by motor vehicle for hire, of a general cartage business over and on the streets and alleys of the City of Pueblo, Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the equipment of applicants be limited to the use of a truck with manufacturer's rated capacity of not more than 1½-tons.

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.

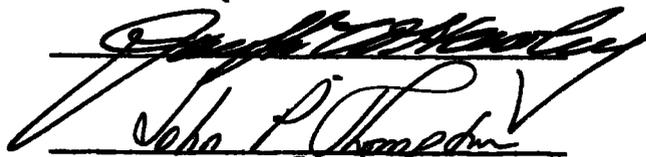
That applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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 4th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
VETERANS TAXICAB AND TRANSPORTATION	)	
COMPANY, 210 WEST SEVENTH STREET,	)	<u>APPLICATION NO. 14304-Extension</u>
PUEBLO, COLORADO, FOR AUTHORITY TO	)	
EXTEND OPERATIONS UNDER PUC NO. 1007.	)	
-----	)	

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May 4, 1956  
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Appearances: Charles F. Keen, Esq.,  
Pueblo, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

Applicant herein is the owner of PUC No. 1007, authorizing:

Transportation of passengers between points  
(excluding Boone and points east thereof on line  
of Missouri Pacific Trans. Co.), within a radius  
of twenty-five miles of Pueblo and from and to  
Pueblo and from Beulah.

Transportation of passengers and hand baggage  
throughout the San Isabel Forest area, and be-  
tween Pueblo on the one hand and Beulah, Rye,  
Westcliffe, Wetmore and San Isabel City on the  
other.

(a) Transportation of passengers, on call and  
demand, by five-passenger taxicabs, only, from  
points in the City of Pueblo, Colorado, and  
points within a radius of twenty-five miles  
thereof, and from Beulah and the San Isabel  
National Forest area, to all other points in  
the State of Colorado; and (b) subject to rates  
for service performed under sub-paragraph (a)  
shall not be less than those set forth in the  
Statement of this order, unless permission to do  
so be first obtained from the Commission after  
notice of application therefor to all competing  
carriers.

By the instant application, applicant seeks an extension of  
its operating rights under said certificate to include the transportation  
of passengers and hand baggage which it is now authorized to transport,

from point to point within the City of Pueblo, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the City Hall in Pueblo, Colorado, on April 26, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The evidence disclosed that applicant has been conducting the service here applied for between points in Pueblo, Colorado, for many years; that such operations were conducted continuously up to January 1, 1955, on which date a Constitutional Amendment became effective granting this Commission jurisdiction over common carrier operations within the City of Pueblo, Colorado, a home-rule city, and that said operations have continued up to the date of hearing. Applicant seeks only to have confirmed its "Grandfather Rights" to continue the same operation.

No one appeared in protest, and the Commission is satisfied that the experience of applicant and its financial stability are adequate to carry on said operation.

#### 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 Applicant Veterans Taxicab and Transportation Company, 210 West 7th Street, Pueblo, Colorado, should be, and hereby is, authorized to extend operations under PUC No. 1007 to include the transportation of passengers and their hand baggage which applicant is now authorized to transport, from point to point within the City of Pueblo, Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

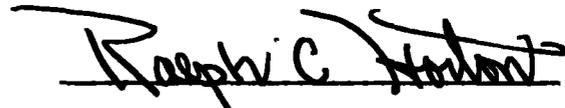
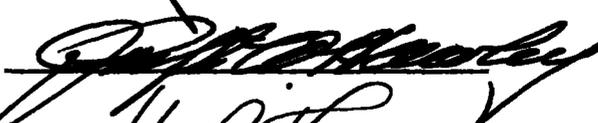
That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God,

the public enemy or extreme conditions.

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

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 4th day of May, 1956.

ea

original

(Decision No. 45751)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 14296-PP

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May 7, 1956  
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Appearances: Grant, Shafroth & Toll, Esqs.,  
Denver, Colorado, by Douglas  
McHenrdrie, Esq., for Appli-  
cant and for The Atchison,  
Topeka, and Santa Fe Railway  
Company

S T A T E M E N T

By the Commission:

On January 26, 1956, James Hargreaves, of Holly, Colorado, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the pick-up and delivery of less-than-carload freight, for The Atchison, Topeka, and Santa Fe Railway Company, within the City Limits of the Town of Holly, Colorado, which is the limit for free pick-up and delivery service for the railroad station of Holly, Colorado, as described in rail tariff on file with the Commission.

The instant application was regularly set for hearing and heard at the Court House in La Junta, Colorado, on April 25, 1956, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 1954 one-half-ton International Pickup Truck and will use the same in his proposed operation. Applicant states that it will take from ten to thirty-five minutes daily to render the above service and he will deliver approximately 4,000 lbs. a month.

Mr. J. P. Spears, Superintendent of the Santa Fe Railway, whose office is located at Pueblo, Colorado, testified that his company needed applicant's proposed service in their delivery of L.C.L. freight in Holly, Colorado.

In Decision No. 45466, Application No. 14120-PP, "In the Matter of the Application of James W. Brown, Canon City, Colorado, for a Class "B" Permit," entered by the Commission March 12, 1956, this Commission reviewed at some length the nature of the operation involved in the pickup and delivery of less than carload rail freight by motor vehicle at stations of origin and destination. We there concluded that the movement of the goods by truck between the railroad car or freight dock and the shipper's or consignee's place of business is, in legal effect, an integral part of the process of rail transportation from consignor to consignee, and that the desirability and propriety of the railroad's controlling the operation by contract with the motor vehicle operator make a Class "B" Permit the proper kind of authority for the performance of the service. We also concluded in that decision that, since this pickup and delivery service is in practical and legal effect a part of the rail transportation process, certain of the regulations of the Commission governing private carrier permits, which were designed for a movement wholly by motor carrier, are not appropriate. We adhere to our position as there announced, and refer to that decision for a more extended discussion of the principles involved.

No one appeared protesting the granting of the instant application. It therefore appears that said service is needed and that common carrier service now authorized to serve in Holly would not be impaired by the granting of the instant application.

#### 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 James Hargreaves, Holly, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the pick-up and delivery of less-than-carload freight, for The Atchison, Topeka, and Santa Fe Railway Company, within the City Limits of the Town of Holly, Colorado, which are designated from time to time in rail tariffs of The Atchison, Topeka, and Santa Fe Railway Company on file with the Commission, as being within the limits for free pick-up and delivery service at The Atchison, Topeka, and Santa Fe Railway Station.

This Order is subject to compliance by the applicant with all present and future laws and regulations of the Commission; provided, however, that the applicant need not comply, and is hereby expressly relieved from complying, with the following rules or portions thereof of the "Rules and Regulations Governing Private Carriers by Motor Vehicle," as adopted by the Commission in Decision No. 34839, Case No. 5015, dated May 17, 1950, effective June 15, 1950, as amended by Decision No. 36928, dated June 12, 1951, effective July 1, 1951, amended by Decision No. 39183, dated and effective August 13, 1952:

1. Rule 3 (h) requiring the submission of a copy of authority from the Interstate Commerce Commission to operate in interstate commerce.

2. Rule 5 (b) insofar as it would prohibit the applicant from transporting or accepting for transportation any shipment of rail freight to be delivered to The Atchison, Topeka, and Santa Fe Railway Company at Holly, Colorado, or any shipment of express matter to be delivered to Railway Express Agency, Inc., at Holly, Colorado.

3. Rule 15 (3) pertaining to cargo insurance.

4. Rule 18 pertaining to contracts and customer lists.

5. Rule 19 pertaining to rates and charges.  
6. Rule 20 pertaining to the filing of tariffs.  
7. Rule 21 pertaining to compilation of tariffs and  
classifications.

8. Rule 22 pertaining to bills of lading.  
9. Rule 23 pertaining to load sheets or manifests.  
10. Rule 25 pertaining to C. O. D. shipments.

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

Raymond C. Norton

Joseph W. Hooley

John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

mls

original

(Decision No. 45752)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
J. F. BART, LAS ANIMAS, COLORADO,  
FOR A CLASS "B" PERMIT TO OPERATE  
AS A PRIVATE CARRIER BY MOTOR VE-  
HICLE FOR HIRE, FOR THE CONDUCT OF  
A CARTAGE SERVICE, FOR PICKUP AND  
DELIVERY OF L.C.L. RAIL FREIGHT  
MOVING ON RAIL BILLING, AND EXPRESS  
SHIPMENTS MOVING ON RAILWAY EXPRESS  
AGENCY, INC. BILLING, FROM OR TO  
POINTS WITHIN THE CORPORATE LIMITS  
OF LAS ANIMAS, COLORADO, ON THE ONE  
HAND, AND THE ATCHISON, TOPEKA AND  
SANTA FE RAILWAY STATION AT LAS  
ANIMAS, COLORADO, ON THE OTHER: ALSO  
FROM OR TO CAMP GROUND STORE, WHICH  
ARE THE LIMITS FOR FREE PICKUP AND  
DELIVERY SERVICE FOR THE RAILROAD  
AND EXPRESS STATION AT LAS ANIMAS,  
COLORADO, AS DESCRIBED IN RAIL AND  
EXPRESS TARIFFS ON FILE WITH THE  
PUBLIC UTILITIES COMMISSION OF THE  
STATE OF COLORADO.

APPLICATION NO. 14293-PP

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May 7, 1956  
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Appearances: Douglas McHendrie, Esq.,  
Denver, Colorado, for  
applicant, and for The  
Atchison, Topeka and  
Santa Fe Railway Company.

S T A T E M E N T

By the Commission:

By the present application as originally filed  
February 8, 1956, and as duly amended at the hearing, the  
applicant seeks a Class "B" permit to operate as a private  
carrier by motor vehicle for hire in the transportation in  
pickup and delivery service of less than carload rail freight  
shipments for The Atchison, Topeka and Santa Fe Railway Company,  
and of express shipments for Railway Express Agency, Inc., within  
the limits for free pickup and delivery service at the Railroad  
Company station at Las Animas, Colorado, as described in the  
rail and express tariffs.

Upon appropriate notice to all interested parties, the matter was set for hearing, and heard, at the Court House at La Junta, Colorado, on April 25, 1956, and was then taken under advisement.

The applicant, testifying in his own behalf, showed that he has the operating experience and motor vehicle equipment suitable for the work, and is in sound financial condition. He has entered into a contract with the Company governing the terms and conditions of the operation.

J. P. Spears, Superintendent of the Colorado Division of the Railway Company, also testified in support of the application. He identified the tariff by which the Railway Company holds itself out to the shipping public to perform free pickup and delivery service at Las Animas, and testified as to the competitive conditions which require the Railway Company to offer and perform this service; the numerous advantages resulting to the shippers and receivers of freight and to the Railway Company from the rendition of the service; and the fact that the pickup and delivery movement is considered by the Railway Company as an integral part of the total rail transportation movement from shipper to consignee in respect to such features as billing, assessment and collection of charges and liability for loss or damage. He also testified as to the necessity and advisability from the Railway Company's standpoint of having this service performed under the controls afforded by a uniform, system-wide form of contract entered into between the Company and the motor vehicle operator.

There was no opposition at the hearing to the granting of the application.

In Decision No. 45466, Application No. 14120-PP, "In the Matter of the Application of James W. Brown, Canon City, Colorado, for a Class "B" Permit," entered by the Commission March 12, 1956, this Commission reviewed at some length the nature of the operation

involved in the pickup and delivery of less than carload rail freight by motor vehicle at stations of origin and destination. We there concluded that the movement of the goods by truck between the railroad car or freight dock and the shipper's or consignee's place of business is, in legal effect, an integral part of the process of rail transportation from consignor to consignee, and that the desirability and propriety of the railroad's controlling the operation by contract with the motor vehicle operator make a Class "B" permit the proper kind of authority for the performance of the service. We also concluded in that decision that, since this pickup and delivery service is in practical and legal effect a part of the rail transportation process, certain of the regulations of the Commission governing private carrier permits, which were designed for a movement wholly by motor carrier, are not appropriate. We adhere to our position as there announced, and refer to that decision for a more extended discussion of the principles involved. Since the pertinent basic facts involved in the handling of pickup and delivery of express shipments transported by rail by Railway Express Agency, Inc., are identical with those involved in the movement of less than carload rail freight, the same principles and conclusions would apply to that portion of this application which concerns the pickup and delivery of express matter.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The foregoing Statement is hereby incorporated in these Findings by reference.

That this application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That applicant be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle, for the trans-

portation of less than carload rail shipments moving on rail billing, and of express shipments moving on Railway Express Agency, Inc., billing, in pickup and delivery service from or to The Atchison, Topeka and Santa Fe Railway station at Las Animas, Colorado, on the one hand, and on the other hand points within the corporate limits of Las Animas and points adjacent thereto which are designated from time to time in rail tariffs of The Atchison, Topeka and Santa Fe Railway Company and express tariffs of Railway Express Agency, Inc., on file with the Commission as being within the limits for free pickup and delivery service at those companies' agency station at Las Animas.

This order is subject to compliance by the applicant with all present and future laws and regulations of the Commission; provided, however, that the applicant need not comply, and is hereby expressly relieved from complying, with the following rules or portions thereof of the "Rules and Regulations Governing Private Carriers by Motor Vehicle" as adopted by the Commission in Decision No. 34839, Case No. 5015, dated May 17, 1950, effective June 15, 1950, as amended by Decision No. 36928, dated June 12, 1951, effective July 1, 1951, amended by Decision No. 39183, dated and effective August 13, 1952:

1. Rule 3 (h), requiring the submission of a copy of authority from the Interstate Commerce Commission to operate in interstate commerce.

2. Rule 5 (b), insofar as it would prohibit the applicant from transporting or accepting for transportation any shipment of rail freight to be delivered to The Atchison, Topeka and Santa Fe Railway Company at Las Animas, Colorado, or any shipment of express matter to be delivered to Railway Express Agency, Inc., at Las Animas, Colorado.

3. Rule 15 (3), pertaining to cargo insurance.

4. Rule 18, pertaining to contracts and customer lists.

5. Rule 19, pertaining to rates and charges.
6. Rule 20, pertaining to the filing of tariffs.
7. Rule 21, pertaining to compilation of tariffs and classifications.
8. Rule 22, pertaining to bills of lading.
9. Rule 23, pertaining to load sheets or manifests.
10. Rule 25, pertaining to C. O. D. Shipments.

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 copies of all special contracts or memoranda of their terms, the 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 regulations of the Commission except as specifically exempted supra.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Ralph C. Horton  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

original

(Decision No. 45753)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
J. E. SYDENSTRICKER, FOWLER, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO )	<u>APPLICATION NO. 14300-PP</u>
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

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May 7, 1956  
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Appearances: Grant, Shafroth & Toll, Esqs.,  
by Douglas McHendrie, Denver,  
Colorado, for Applicant and  
The Atchison, Topeka and Santa  
Fe Railway Company;  
E. L. Tyler, Fowler, Colorado,  
for Fowler Truck Line.

S T A T E M E N T

By the Commission:

On December 7, 1955, J. E. Sydenstricker, of Fowler, Colorado, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the conduct of a cartage service for the pick-up and delivery of L. C. L. rail freight moving on rail billing, from or to points within the corporate limits of Fowler, Colorado, on the one hand, and The Atchison, Topeka and Santa Fe Railway Station at Fowler, Colorado, on the other, all service to be within delivery limits for free pick-up and delivery service for the railroad station at Fowler, Colorado, as described in rail tariffs on file with the Commission.

The instant application was regularly set for hearing and heard at the Court House, La Junta, Colorado, on April 25, 1956, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a one-half-ton Chevrolet Pickup Truck and will

use same in his proposed operation. Applicant states that he will take from ten to thirty-five minutes daily to render the above service, and will deliver approximately 4,000 pounds a month.

Mr. J. P. Spears, Superintendent of the Santa Fe Railway, whose office is located at Pueblo, Colorado, testified that his company needed applicant's proposed service in their delivery of L. C. L. freight in Fowler, Colorado.

Mr. E. L. Tyler, who operates the Fowler Truck Line, stated he had authority to make deliveries in Fowler, Colorado. The evidence, however, disclosed that the Fowler Truck Line operates a line-haul service between Pueblo and Fowler, Colorado, in direct competition with the Santa Fe Railway. The evidence, however, did not show where the service of the Fowler Truck Line would be impaired by the granting of the instant application and it therefore appears that said application should be granted.

In Decision No. 45466, Application No. 14120-PP, "In the Matter of the Application of James W. Brown, Canon City, Colorado, for a Class "B" Permit," entered by the Commission March 12, 1956, this Commission reviewed at some length the nature of the operation involved in the pick-up and delivery of less than car-load rail freight by motor vehicle at stations of origin and destination. We there concluded that the movement of the goods by truck between the railroad car or freight dock and the shipper's or consignee's place of business is, in legal effect, an integral part of the process of rail transportation from consignor to consignee, and that the desirability and propriety of the railroad's controlling the operation by contract with the motor vehicle operator make a Class "B" permit the proper kind of authority for the performance of the service. We also concluded in that decision that, since this pick-up and delivery service is in practical and legal effect a part of the rail transportation process, certain of the regulations of the Commission governing private carrier

permits, which were designed for a movement wholly by motor carrier, are not appropriate. We adhere to our position as there announced, and refer to that decision for a more extended discussion of the principles involved.

No one appeared protesting the granting of the instant application. It therefore appears that said service is needed and that common carrier service now authorized to serve in Fowler, Colorado, would not be impaired by the granting of the instant application.

#### 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 J. E. Sydenstricker, Fowler, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the conduct of a cartage service for the pick-up and delivery of L. C. L. rail freight moving on rail billing, from or to points within the corporate limits of Fowler, Colorado, on the one hand, and The Atchison, Topeka and Santa Fe Railway Station at Fowler, Colorado, on the other, which are designated from time to time in rail tariffs of The Atchison, Topeka and Santa Fe Railway Company on file with the Commission, as being within the limits for free pick-up and delivery service at The Atchison, Topeka and Santa Fe Railway Station.

This Order is subject to compliance by the applicant with all present and future laws and regulations of the Commission; provided, however, that the applicant need not comply, and is hereby expressly relieved from complying with the following rules or portions thereof of the "Rules and Regulations Governing Private Carriers by Motor Vehicle" as adopted by the Commission in Decision No. 34839, Case No. 5015, dated May 17, 1950, effective June 15, 1950,

as amended by Decision No. 36928, dated June 12, 1951, effective July 1, 1951, amended by Decision No. 39183, dated and effective August 13, 1952:

1. Rule 3 (h) requiring the submission of a copy of authority from the Interstate Commerce Commission to operate in interstate commerce.
2. Rule 5 (b) insofar as it would prohibit the applicant from transporting or accepting for transportation any shipment of rail freight to be delivered to The Atchison, Topeka and Santa Fe Railway Company at Fowler, Colorado, or any shipment of express matter to be delivered to Railway Express Agency, Inc., at Fowler, Colorado.
3. Rule 15 (3) pertaining to cargo insurance.
4. Rule 18 pertaining to contracts and customer lists.
5. Rule 19 pertaining to rates and charges.
6. Rule 20 pertaining to the filing of tariffs.
7. Rule 21 pertaining to compilation of tariffs and classifications.
8. Rule 22 pertaining to bills of lading.
9. Rule 23 pertaining to load sheets or manifests.
10. Rule 25 pertaining to C. O. D. shipments.

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 copies of all special contracts or memoranda of their terms, the 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 regulations of the Commission except as specifically exempted supra.

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Thomas C. Holton  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

ea

original

(Decision No. 45754)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
C. M. CARTER, GRANADA, COLORADO,	)	
FOR A CLASS "B" PERMIT TO OPERATE	)	<u>APPLICATION NO. 14295-PP</u>
AS A PRIVATE CARRIER BY MOTOR VE-	)	
HICLE FOR HIRE.	)	
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May 7, 1956  
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Appearances: Grant, Shafroth & Toll, Esqs.,  
Denver, Colorado, by Douglas  
McHendrie, for Applicant and  
The Atchison, Topeka and  
Santa Fe Railway Company.

S T A T E M E N T

By the Commission:

On January 17, 1956, C. M. Carter, of Granada, Colorado, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the conduct of a cartage service, for the pick-up and delivery of L. C. L. freight moving on rail billing, from or to points within the corporate limits of Granada, Colorado, on the one hand, and The Atchison, Topeka, and Santa Fe Railway Company Station at Granada, Colorado, on the other.

The instant application was regularly set for hearing and heard at the Court House in La Junta, Colorado, on April 25, 1956, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 1936 one-half-ton Ford Pickup Truck, and will use same in his proposed operation. Applicant states that he will take from ten to thirty-five minutes daily to render the above service, and he will deliver approximately 4,000 pounds per month.

Mr. J. P. Spears, Superintendent of the Santa Fe Railway, whose office is located at Pueblo, Colorado, testified that his company needed applicant's proposed service in their delivery of L. C. L. freight in Granada.

In Decision No. 45466, Application No. 14120-PP, "In the Matter of the Application of James W. Brown, Canon City, Colorado, for a Class "B" permit," entered by the Commission March 12, 1956, this Commission reviewed at some length the nature of the operation involved in the pick-up and delivery of less than carload rail freight by motor vehicle at stations of origin and destination. We there concluded that the movement of the goods by truck between the railroad car or freight dock and the shipper's or consignee's place of business is, in legal effect, an integral part of the process of rail transportation from consignor to consignee, and that the desirability and propriety of the railroad's controlling the operation by contract with the motor vehicle operator make a Class "B" permit the proper kind of authority for the performance of the service. We also concluded in that decision that, since this pick-up and delivery service is in practical and legal effect a part of the rail transportation process, certain of the regulations of the Commission governing private carrier permits, which were designed for a movement wholly by motor carrier, are not appropriate. We adhere to our position as there announced, and refer to that decision for a more extended discussion of the principles involved.

No one appeared protesting the granting of the instant application. It therefore appears that said service is needed, and that common carrier service now authorized to serve in Granada would not be impaired by the granting of the instant application.

#### 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 C. M. Carter, Granada, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the conduct of a cartage service, for the pick-up and delivery of L. C. L. freight moving on rail billing, from or to points within the corporate limits of Granada, Colorado, on the one hand, and The Atchison, Topeka and Santa Fe Railway Company Station at Granada, Colorado, on the other, which are designated from time to time in rail tariffs of The Atchison, Topeka and Santa Fe Railway Company on file with the Commission, as being within the limits for free pick-up and delivery service at The Atchison, Topeka and Santa Fe Railway Station.

This Order is subject to compliance by the applicant with all present and future laws and regulations of the Commission; provided, however, that the applicant need not comply, and is hereby expressly relieved from complying with the following rules or portions thereof of the "Rules and Regulations Governing Private Carriers by Motor Vehicle" as adopted by the Commission in Decision No. 34839, Case No. 5015, dated May 17, 1950, effective June 15, 1950, as amended by Decision No. 36928, dated June 12, 1951, effective July 1, 1951, amended by Decision No. 39183, dated and effective August 13, 1952:

1. Rule 3 (h) requiring the submission of a copy of authority from the Interstate Commerce Commission to operate in interstate commerce.
2. Rule 5 (b) insofar as it would prohibit the applicant from transporting or accepting for transportation any shipment of rail freight to be delivered to The Atchison, Topeka and Santa Fe Railway Company at Granada, Colorado, or any shipment of express matter to be delivered to Railway Express Agency, Inc. at Granada, Colorado.
3. Rule 15 (3) pertaining to cargo insurance.

4. Rule 18 pertaining to contracts and customer lists.
5. Rule 19 pertaining to rates and charges.
6. Rule 20 pertaining to filing of tariffs.
7. Rule 21 pertaining to compilation of tariffs and classifications.
8. Rule 22 pertaining to bills of lading.
9. Rule 23 pertaining to load sheets or manifests.
10. Rule 25 pertaining to C. O. D. shipments.

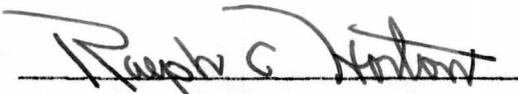
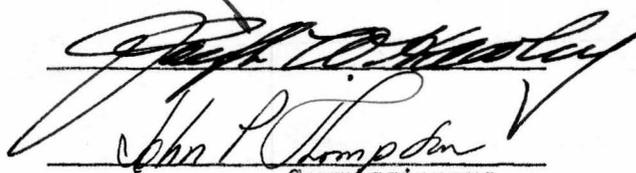
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for but it shall not become effective until applicant has filed copies of all special contracts or memoranda of their terms, the 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 regulations of the Commission except as specifically exempted supra.

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 7th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
DELMAR SCHWARTZ, WILEY, COLORADO,  
FOR A CLASS "B" PERMIT TO OPERATE  
AS A PRIVATE CARRIER BY MOTOR VE-  
HICLE FOR HIRE.

APPLICATION NO. 14299-PP

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May 7, 1956  
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Appearances: Grant, Shafroth & Toll, Esqs.,  
Denver, Colorado, by Douglas  
McHendrie, Esq., for Appli-  
cant and for The Atchison,  
Topeka, and Santa Fe Railway  
Company.

S T A T E M E N T

By the Commission:

On December 7, 1955, Delmar Schwartz, Wiley, Colorado,  
filed his application for a Class "B" permit to operate as a private  
carrier by motor vehicle for hire, for the conduct of a cartage ser-  
vice, for the pick up and delivery of L.C.L. rail freight moving on  
rail billing, from or to points within the corporate limits of Wiley,  
Colorado, on the one hand, and the Atchison, Topeka, and Santa Fe  
Railway Station, at Wiley, Colorado, on the other, all service to be  
within delivery limits for free pick up and delivery service for the  
railroad station at Wiley, Colorado, as described in rail tariff on  
file with the Commission.

The instant application was regularly set for hearing and  
heard at the Court House in La Junta, Colorado, on April 25, 1956,  
and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is  
the owner of a 1940 one-half-ton Ford Pickup Truck and will use same  
in his proposed operation. Applicant states that it will take from

ten to thirty-five minutes daily to render the above service and will deliver approximately 4,000 lbs. a month.

Mr. J. P. Spear, Superintendent of the Santa Fe Railway, whose office is located at Pueblo, Colorado, testified that his company needed applicant's proposed service in their delivery of L.C.L. freight in Wiley, Colorado.

In Decision No. 45466, Application No. 14120-PP, "In the Matter of the Application of James W. Brown, Canon City, Colorado, for a Class "B" Permit," entered by the Commission March 12, 1956, this Commission reviewed at some length the nature of the operation involved in the pickup and delivery of less than carload rail freight by motor vehicle at stations of origin and destination. We there concluded that the movement of the goods by truck between the railroad car or freight dock and the shipper's or consignee's place of business is, in legal effect, an integral part of the process of rail transportation from consignor to consignee, and that the desirability and propriety of the railroad's controlling the operation by contract with the motor vehicle operator make a Class "B" permit the proper kind of authority for the performance of the service. We also concluded in that decision that, since this pickup and delivery service is in practical and legal effect a part of the rail transportation process, certain of the regulations of the Commission governing private carrier permits, which were designated for a movement wholly by motor carrier, are not appropriate. We adhere to our position as there announced, and refer to that decision for a more extended discussion of the principles involved.

No one appeared protesting the granting of the instant application. It therefore appears that said service is needed and that common carrier service now authorized to serve in Wiley, Colorado, would not be impaired by the granting of the instant application.

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 Delmar Schwartz, Wiley, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the conduct of a cartage service, for the pick up and delivery of L.C.L. rail freight moving on rail billing, from or to points within the corporate limits of Wiley, Colorado, on the one hand, and The Atchison, Topeka, and Santa Fe Railway Station, at Wiley, Colorado, on the other, which are designated from time to time in rail tariffs of The Atchison, Topeka and Santa Fe Railway Company on file with the Commission, as being within the limits for free pick up and delivery service at The Atchison, Topeka, and Santa Fe Railway Station.

This Order is subject to compliance by the applicant with all present and future laws and regulations of the Commission; provided, however, that the applicant need not comply, and is hereby expressly relieved from complying, with the following rules or portions thereof of the "Rules and Regulations Governing Private Carriers by Motor Vehicle" as adopted by the Commission in Decision No. 34839, Case No. 5015, dated May 17, 1950, effective June 15, 1950, as amended by Decision No. 36928, dated June 12, 1951, effective July 1, 1951, amended by Decision No. 39183, dated and effective August 13, 1952:

1. Rule 3(h) requiring the submission of a copy of authority from the Interstate Commerce Commission to operate in interstate commerce.

2. Rule 5 (b) insofar as it would prohibit the applicant from transporting or accepting for transportation any shipment of rail freight to be delivered to The Atchison, Topeka and Santa Fe Railway Company at Wiley, Colorado, or any shipment of express matter

to be delivered to Railway Express Agency, Inc., at Wiley, Colorado.

3. Rule 15 (3) pertaining to cargo insurance.
4. Rule 18 pertaining to contracts and customer lists.
5. Rule 19 pertaining to rates and charges.
6. Rule 20 pertaining to the filing of tariffs.
7. Rule 21 pertaining to compilation of tariffs and classifications.
8. Rule 22 pertaining to bills of lading.
9. Rule 23 pertaining to load sheets or manifests.
10. Rule 25 pertaining to C. O. D. shipments.

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 copies of all special contracts or memoranda of their terms, the 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 regulations of the Commission, except as specifically exempted supra.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

mls

21.1.1956

(Decision No. 45756)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HERMAN PENNALA AND VIOLA F. PENNALA,  
CO-PARTNERS, 695 SOUTH EIGHTH  
STREET, COLORADO SPRINGS, COLORADO,  
FOR A CLASS "B" PERMIT TO OPERATE AS  
A PRIVATE CARRIER BY MOTOR VEHICLE  
FOR HIRE.

APPLICATION NO. 14338-PP

-----  
May 7, 1956  
-----

Appearances: Herman Pennala, Colorado  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Application filed April 6, 1956, applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of peat moss, sand, gravel, and flagstone, from point to point within a radius of fifty miles of Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, May 1, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Herman Pennala, one of the applicants, testified in support of the application. He has operated trucks off and on for approximately 17 years and now owns a dump truck suitable to the work. He has work to do if he can get the authority they seek. The net worth of the co-partners is approximately \$8,000.

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 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:

The above and foregoing Statement is, by reference, incorporated hereinto.

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Herman Pennala and Viola F. Pennala, co-partners, Colorado Springs, 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 peat moss, sand, gravel, and flagstone, from point to point within a radius of fifty miles of Colorado 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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. [Signature]*  
*[Signature]*  
*John P. [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.



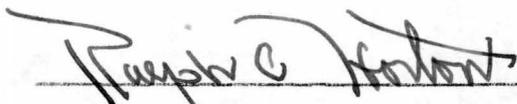
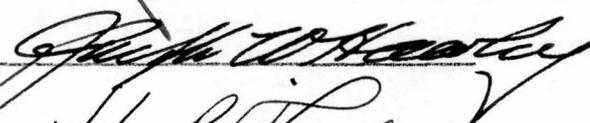
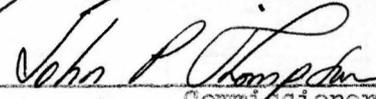
ORDER

THE COMMISSION ORDERS:

That Applications Nos. 14062-Transfer and 14065-Extension should be, and hereby are, dismissed, at the request of counsel for applicant.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

ea

original

(Decision No. 45758)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ED MAPES, HARRY CONNELL, HUGH F. )  
DENIO, ANITA K. DENIO AND WALTER )  
SHORT, CO-PARTNERS, DOING BUSINESS )  
AS "ED MAPES & COMPANY," LA SALLE, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. A-118 TO ED MAPES & CO., )  
A CORPORATION, LA SALLE, COLORADO; )  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER SAID PERMIT TO INCLUDE THE )  
RIGHT TO TRANSPORT MILK FROM GARDEN )  
CITY AND ARLINGTON GARDENS, COLO- )  
RADO, TO DENVER, GREELEY, AND JOHNS- )  
TOWN, AND FOR CANCELLATION OF RIGHTS )  
TO TRANSPORT MILK FROM LA SALLE, COLO- )  
RADO, AS SET FORTH IN THE INSTANT )  
APPLICATION. )  
----- )

APPLICATION No. 14061-PP-Transfer  
14064-PP-Extension

-----  
May 7, 1956  
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Appearances: Worth Allen, Esq., Denver,  
Colorado, for applicants.

S T A T E M E N T

By the Commission:

By the instant application, Ed Mapes, Harry Connell, Hugh F. Denio, Anita K. Denio, and Walter Short, co-partners, doing business as "Ed Mapes & Company," LaSalle, Colorado, seek authority to transfer Permit No. A-118 to Ed Mapes & Co., a corporation, LaSalle, Colorado; and for authority to extend operations under said permit to include the right to transport milk from Garden City and Arlington Garden, Colorado, to Denver, Greeley and Johnstown, and for cancellation of rights to transport milk from LaSalle, Colorado, as set forth in the instant application.

The Commission is now in receipt of a communication from counsel for applicants, requesting that said applications be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said applications should be dismissed.

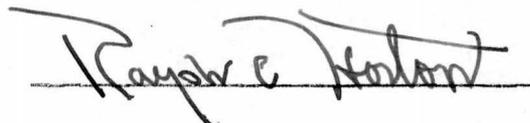
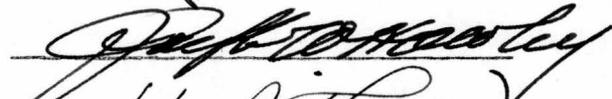
O R D E R

THE COMMISSION ORDERS:

That Applications Nos. 14061-PP-Transfer and 14064-PP-Extension, should be, and hereby are, dismissed, at request of counsel for applicants.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARRY CONNELL, JR., LA SALLE, COLO- )  
RADO, FOR AUTHORITY TO EXTEND OPERA- )  
TIONS UNDER PUC NO. 1427 TO INCLUDE )  
THE RIGHT TO TRANSPORT MILK TO THE )  
TOWNS OF GARDEN CITY AND ARLINGTON )  
GARDENS, AND TO TRANSPORT MILK FOR )  
ANY AND ALL SHIPPERS TO DENVER AND )  
TO POINTS WITHIN FIVE MILES OF THE )  
PRESENT CITY LIMITS OF DENVER, AND )  
FOR CANCELLATION OF RIGHTS TO TRANS- )  
PORT MILK TO LA SALLE, AS SET FORTH )  
IN THE INSTANT APPLICATION. )  
----- )

APPLICATION NO. 14058-Extension

-----  
May 7, 1956  
-----

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

S T A T E M E N T

By the Commission:

The above application was originally set for hearing at Denver, Colorado, for January 31, 1956, and the hearing was vacated at the request of counsel for applicant.

The Commission is now in receipt of a letter from counsel for applicant, requesting that said application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That Application No. 14058-Extension should be, and hereby is, dismissed, at the request of counsel for applicant.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JOHN W. GRAHAM, 206 CHEYENNE BOULE-  
VARD, COLORADO SPRINGS, COLORADO;  
FOR A CLASS "B" PERMIT TO OPERATE  
AS A PRIVATE CARRIER BY MOTOR VE-  
HICLE FOR HIRE.

APPLICATION NO. 14337-PP

-----  
May 7, 1956  
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Appearances: John W. Graham, Colorado  
Springs, Colorado, pro  
se.

S T A T E M E N T

By the Commission:

Applicant herein by application filed March 29, 1955,  
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 high-  
ways, from pits and supply points in the State of Colorado, to road  
jobs, mixer and processing plants within a radius of fifty miles of  
said pits and supply points; sand and gravel, from pits and supply  
points in the State of Colorado, to railroad loading points, and to  
homes and small construction 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; insulrock, from pits and supply  
points in the State of Colorado, to roofing jobs within a radius of  
fifty miles of said pits and supply points; feldspar, from points  
within a radius of twenty-five miles of Buffalo, Colorado, to Denver,  
Colorado; coal, from mines in the southern Colorado coal fields, to  
Colorado Springs and Pueblo, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, May 1, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the applicant testified in support of his application. He has three dump trucks and has regular work lined up to supply aggregate to a ready mix concrete company in Colorado Springs. His experience is adequate to the purpose; he has been an automobile mechanic for approximately 20 years and formerly engaged in trucking operations. His net worth is approximately \$10,000.

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:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the instant application should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That John W. Graham, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from

pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; feldspar, from points within a radius of twenty-five miles of Buffalo, Colorado, to Denver, Colorado; coal, from mines in the northern Colorado coal fields, to Colorado Springs and Pueblo, 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 7th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PETE ROBERTS, ROUTE 2, LA JUNTA, )	
COLORADO, FOR A CLASS "B" PERMIT )	<u>APPLICATION NO. 14298-PP</u>
TO OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

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May 7, 1956  
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Appearances: Mary Roberts, La Junta,  
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On January 24, 1956, Pete Roberts, of La Junta, Colorado, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of dirt from point to point within a radius of twenty-five miles of LaJunta, Colorado.

The above application was regularly set for hearing, and heard at the Court House in La Junta, Colorado, on April 25, 1956, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, Mary Roberts, wife of Pete Roberts, applicant herein, testified that applicant is the owner of a 1946 Chevrolet 1½-ton truck, and desires to haul dirt for the Fort Lewis Canal Company to points within a radius of 25 miles of La Junta, Colorado.

It appears from the evidence that applicant is well qualified financially and by experience to carry on his proposed operation.

No One appeared protesting the granting of the instant application, and it does not appear that the adequate service of authorized common carriers now serving in the area will be impaired by the granting of the instant application.

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 Pete Roberts, Route 2, La Junta, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of dirt, from point to point within a radius of twenty-five miles of La Junta, 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

  
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\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	APPLICATION NO. 14294-PP
RALPH A. BLAIR, 218 LEWIS AVENUE,		
LA JUNTA, COLORADO, FOR A CLASS "B"		
PERMIT TO OPERATE AS A PRIVATE CAR-		
RIER BY MOTOR VEHICLE FOR HIRE.	}	
-----		

-----  
May 7, 1956  
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Appearances: John Stewart, Esq., La Junta,  
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 2, 1956, 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 milk, from farms in the Arkansas Valley within a radius of thirty-five miles of La Junta, Colorado, to Wiswell Creamery, in La Junta, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in La Junta, Colorado, on April 25, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The evidence disclosed that applicant owns a 1954 three-quarter ton Studebaker pick-up truck with which to carry on his operations, and his net worth is \$4,000.

Irving A. Smith, of the Wiswell Creamery, stated that he had used applicant's service in having milk delivered from farms to his dairy, and that the service was satisfactory.

Adam H. Dell, a farmer living in the area, testified as to the need of applicant's proposed service.

The operating experience and financial stability of applicant were shown to the satisfaction of the Commission, and it does not

appear that common carrier service in the area would be impaired, by the granting of the instant application.

No one appeared in opposition to favorable action on the application.

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 Ralph A. Blair, 218 Lewis Avenue, La Junta, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk, from farms in the Arkansas Valley within a radius of thirty-five miles of La Junta, Colorado, to Wiswell Creamery, in La Junta, Colorado.

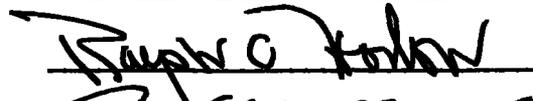
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

ea

original

(Decision No. 45763)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
BELL TRANSPORTATION COMPANY, A TEXAS	)	
CORPORATION, HOUSTON, TEXAS, FOR	)	
AUTHORITY TO TRANSFER INTERSTATE	)	
OPERATING RIGHTS TO JEFFRIES-EAVES,	)	<u>PUC NO. 1380-I-Transfer</u>
INC., A NEW MEXICO CORPORATION, 820	)	
SECOND STREET N. W. ALBUQUERQUE,	)	
NEW MEXICO.	)	
-----	)	

-----  
May 7, 1956  
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S T A T E M E N T

By the Commission:

Heretofore, Bell Transportation Company, a Texas corporation, Houston, Texas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle, between all points in Colorado, and the Colorado state boundary lines where all highways cross the same, in interstate commerce, only, said authority being "PUC No. 1380-I."

Said certificate-holder now seeks authority to transfer said operating rights to Jeffries-Eaves, Inc., a New Mexico corporation, 820 Second Street N. W., Albuquerque, New Mexico.

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

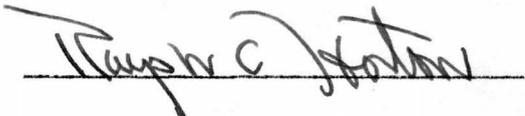
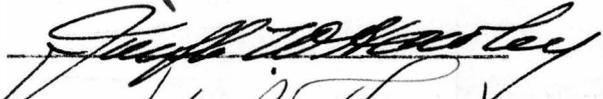
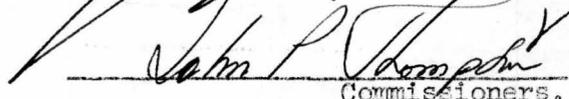
THE COMMISSION ORDERS:

That Bell Transportation Company, a Texas corporation, Houston, Texas, should be, and is hereby, authorized to transfer

all right, title, and interest in and to PUC No. 1380-I to  
Jeffries-Haves, Inc., a New Mexico corporation, 820 Second Street  
N. W., Albuquerque, New Mexico, 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
E. H. WARREN COMPANY, 925 LY- )  
SANDER STREET, DETROIT, MICHIGAN.)  
-----)

PUC NO. 1573-I  
CASE NO. 76263-INS.

-----  
May 8, 1956  
-----

S T A T E M E N T

By the Commission:

On April 10, 1956, in Case No. 76263-Ins., the Commission entered an order revoking PUC No. 1573-I for failure to keep on file effective insurance.

It appears that insurance was in effect, but through misunderstanding or negligence of the Agent, same was not filed in time to stop revocation.

Inasmuch as this authority is interstate, and since insurance has been filed without lapse, our order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 76263-Ins. should be cancelled and set aside, and said PUC No. 1573-I restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on April 10, 1956, in Case No. 76263-Ins., should be, and it hereby is, cancelled and set aside, and said PUC No. 1573-I restored to its former status as of April 10, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Stanton*  
*Joseph C. Hawley*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of May, 1956.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
DAVID B. ILES, JR., 364 $\frac{1}{2}$ ROSE-	)	<u>PERMIT NO. B-4372</u>
VALE ROAD, GRAND JUNCTION,	)	<u>CASE NO. 71047-INS.</u>
COLORADO.	)	
-----	)	

-----  
May 8, 1956  
-----

S T A T E M E N T

By the Commission:

On July 1, 1954, in Case No. 71047-Ins., the Commission entered an order revoking Permit No. B-4372 for failure to keep on file effective insurance.

It now appears that proper insurance has been filed by said Respondent without lapse.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 71047-Ins. should be cancelled and set aside, and said Permit No. B-4372 restored to its former state.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on July 1, 1954, in Case No. 71047-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. B-4372 restored to its former status as of July 1, 1954.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Raymond C. Horton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of May, 1956.  
ea

original

(Decision No. 45766)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)
LA VERNE THACKER, DOING BUSINESS AS	)
"CITY DELIVERY SERVICE," 131 SOUTH	)
SANTA FE AVENUE, PUEBLO, COLORADO,	)
FOR A CERTIFICATE OF PUBLIC CONVEN-	)
IENCE AND NECESSITY TO OPERATE AS A	)
COMMON CARRIER BY MOTOR VEHICLE FOR	)
HIRE.	)
-----	)

APPLICATION NO. 14303

-----  
May 8, 1956  
-----

Appearances: James G. Elliott, Esq.,  
Pueblo, Colorado, for  
applicant.

S T A T E M E N T

By the Commission:

On February 6, 1956, La Verne Thacker, doing business under the name and style of "City Delivery Service," of Pueblo, Colorado, filed his application for a certificate of public convenience and necessity, authorizing the transportation and delivery of merchandise within the City of Pueblo and all points within a radius of ten miles therefrom.

The above matter was regularly set for hearing, and heard, at the Council Chambers in the City Hall, Pueblo, Colorado, on April 26, 1956, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has been carrying on a small transportation business for the picking up and delivery of merchandise of all kinds from dealers to customers. Applicant has carried on this business in the City of Pueblo for several years.

Mr. La Verne Thacker states that the firms he represents have asked him to deliver their merchandise to the area beyond the City Limits of Pueblo, and all within a 10-mile radius of Pueblo.

Applicant has suitable equipment for carrying on said operation and would use the identical equipment in his service outside of the City limits. After the applicant testified, his attorney stated that he had a public witness who would testify as to the need of this service in the outside area, but the witness had been detained.

No one appeared protesting the granting of the instant application, and it would appear that applicant has been serving in Pueblo, Colorado, since July 30, 1949, and that his service is needed to the Pueblo Metropolitan Area.

### 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 applicant.

### 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 La Verne Thacker, doing business as "City Delivery Service," Pueblo, Colorado, for the transportation and delivery of merchandise from dealers in Pueblo, Colorado, to their customers within the City of Pueblo, Colorado, and within a ten-mile radius thereof, 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

Joseph C. Hodson

Joseph W. Bradley

John P. Thompson

Commissioners.

Dated at Denver, Colorado,  
this 8th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROSS E. HEATH, 4660 BRIGHTON )  
BOULEVARD, DENVER, COLORADO. )  
-----

PUC NO. 2719-I

-----  
May 10, 1956  
-----

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 her certificate be suspended for six months from April 22, 1956.

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 Ross E. Heath, Denver, Colorado, be, and she is hereby, authorized to suspend his operations under PUC No. 2719-I until October 22, 1956.

That unless said certificate-holder 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

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
ALBERT H. SCHOTT, UPTON, WYOM-  
ING.

PERMIT NO. B-4590

-----  
May 10, 1956  
-----

S T A T E M E N T

By the Commission:

On March 12, 1956, the Commission authorized Albert H. Schott, Upton, Wyoming, to suspend operations under his Permit No. B-4590 until August 15, 1956.

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-4590 should be, and the same hereby is, reinstated as of May 4, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1956.

mIs

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED J. KISSLER, 1435 JAY STREET, )  
DENVER, COLORADO. )  
-----

PERMIT NO. B-2864

-----  
May 10, 1956  
-----

S T A T E M E N T

By the Commission:

On December 30, 1955, the Commission authorized Fred J. Kissler, Denver, Colorado, to suspend operations under his Permit No. B-2864 until June 16, 1956.

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-2864 should be, and the same hereby is, reinstated as of May 4, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LYLE L. BURMEISTER, 610 WILLIAM )  
AVENUE, COLORADO SPRINGS, COLO- )  
RADO. )  
----- )

PERMIT NO. M-6588

-----  
May 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Lyle L. Burmeister

requesting that Permit No. M-6588 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6588, heretofore issued to \_\_\_\_\_

Lyle L. Burmeister \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective May 4, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Weston*  
\_\_\_\_\_  
*Joseph W. Hawley*  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1956.

nls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GLEN T. & FRIEDA H. BROWN, 1801 )  
CHEYENNE BOULEVARD, COLORADO SPRINGS, )  
COLORADO. )  
-----)

PERMIT NO. M-2483

-----  
May 10, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Glen T. & Freda H. Brown

requesting that Permit No. M-2483 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2483, heretofore issued to \_\_\_\_\_

Glen T. & Freda H. Brown \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 18, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES O. COONS, DOING BUSINESS )  
AS "COONS TRANSFER CO.," 485 NO. )  
FORREST, LITTLETON, COLORADO. )  
-----)

PERMIT NO. M-9041

-----  
May 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Charles O. Coons, dba "Coons Transfer Co."

requesting that Permit No. M 9041 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9041, heretofore issued to \_\_\_\_\_  
Charles O. Coons, dba "Coons Transfer Co." \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective May 3, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JACK S., ROBERT A. & HARLAN A. )  
WARRINER, DOING BUSINESS AS )  
"WARRINERS' OIL CO.," RAWLINS, )  
WYOMING. )  
-----)

PERMIT NO. M-3120

-----  
May 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Jack S., Robert A. & Harlan A. Warriner, dba "Warriners' Oil Co."

requesting that Permit No. M-3120 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3120, heretofore issued to \_\_\_\_\_

Jack S., Robert A. & Harlan A. Warriner, dba "Warriners' Oil Co." be,

and the same is hereby, declared cancelled effective April 20, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John W. Gardner*  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROSE E. HEATH, 4660 BRIGHTON )  
BOULEVARD, DENVER 16, COLORADO. )  
----- )

PERMIT NO. M-3543

-----  
May 10, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Rose E. Heath

requesting that Permit No. M-3543 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3543, heretofore issued to \_\_\_\_\_

Rose E. Heath

be,

and the same is hereby, declared cancelled effective April 22, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thomas  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
W. E. REESE, DOING BUSINESS AS )  
"KAR PORT SERVICE," BOX 389, )  
LAMAR, COLORADO. )

PERMIT NO. M-1394

-----  
May 10, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

W. E. Reese, dba "Kar Port Service"

requesting that Permit No. M-1394 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1394, heretofore issued to \_\_\_\_\_

W. E. Reese, dba "Kar Port Service" \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 9, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 1956.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PATRICK McKANNAN, NUCLA, COLORADO. )

PERMIT NO. M-7182

-----  
May 10, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Patrick McKannan

requesting that Permit No. M-7182 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7182, heretofore issued to \_\_\_\_\_

Patrick McKannan

be,

and the same is hereby, declared cancelled effective April 16, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of May, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

INTERMOUNTAIN RURAL ELECTRIC  
ASSOCIATION, INC., a corporation,

Complainant,

vs.

COLORADO CENTRAL POWER COMPANY,  
a corporation,

Defendant.

CASE NO. 5121

O R D E R

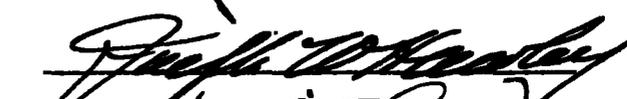
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May 7, 1956  
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THIS MATTER coming on to be heard upon the motion of defendant for an extension of time of thirty (30) days within which to satisfy, answer or otherwise respond to the matters complained of in the complaint, and it appearing to the Commission that the complainant consents to such extension of time, and it further appearing proper,

The Commission hereby grants to the defendant an additional period of thirty (30) days, to and including June 8, 1956, within which to satisfy, answer or otherwise respond to the matters complained of in the complaint.

Dated this 7th day of May, 1956, at Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1956.  
ea

original

(Decision No. 45779)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
TROUTDALE IN THE PINES, INC., EVER-  
GREEN, COLORADO, FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
TO OPERATE AS A COMMON CARRIER BY  
MOTOR VEHICLE FOR HIRE.  
- - - - -

APPLICATION NO. 14336

May 10, 1956

Appearances: Floyd F. Walpole, Esq.,  
Denver, Colorado,  
for applicant;  
Thomas B. Masterson, Esq.,  
Denver, Colorado, for  
Masterson Auto Service;  
Robert T. Burns, Esq.,  
Denver, Colorado, for  
Publix Cab Company;  
I. B. James, Denver, Colo-  
rado, for Colorado Motor  
Way, Inc.

S T A T E M E N T

By the Commission:

On April 2, 1956, Troutdale in the Pines, Inc., a Colorado corporation, the applicant herein filed its application for a certificate of public convenience and necessity for the transportation of guests and prospective guests of their hotel, Troutdale in the Pines, for the summer season, viz: June 1st to and through Labor Day of each year, by station wagons, from Denver Union Station, Denver bus stations, and Stapleton Air Field to said Troutdale in the Pines Hotel, and from said hotel to Denver Union Station, Denver bus stations, and Stapleton Air Field in Denver.

On April 24, 1956, formal protest was filed by Masterson Tours, alleging that the granting of the application would greatly hinder, and cause financial loss to, Masterson Tours.

The application was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on May 2, 1956, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed, through the President and General Manager of applicant company, that applicant is a corporation, duly organized and existing under the laws of the State of Colorado, and has authority to do business in the State of Colorado. The evidence further disclosed that applicant is engaged in the business of maintaining and operating a hotel near the Town of Evergreen, in Jefferson County, Colorado. Said hotel operates only in the summer season, and is open June 1st, the season closing Labor Day.

Mr. Margolis, the President of said hotel corporation, states that the present common carrier service is inadequate for the reason that bus schedules do not coincide with the arrival of planes at Stapleton Airport or trains at the Denver Union Station. It appears that a large number of guests arrive by plane on night schedules and they would be compelled to wait several hours for scheduled bus transportation. A guest has the only other alternative of taking taxicab service, costing the guest \$14.00 from Stapleton Airport to the hotel, or \$11.90 from the Union Station.

The hotel proposes to place in service a Ford Station Wagon, with a maximum capacity of 8 passengers, and will charge, if approved by the Commission, \$2.00 for one way and \$4.00 for the round trip. The Witness further states that he will only transport guests of the hotel, and the service is only for the convenience of his guests and the hotel.

I. B. James, President and General Manager of Colorado Transportation Company, Inc., states his company gives four schedules daily to Troutdale for a fare of \$1.65, and round-trip of \$3.00, and that this service does not pay its operating costs,

and if this certificate is granted it is his opinion that his company would be forced to ask for an abandonment as it is obvious that the institution of this service would take away customers from his present schedules. He suggests, however, that his company might be able to take care of this business under other authority held by his company, but this was strenuously objected to by Masterson Tours.

Thomas E. Masterson, of Masterson Tours, operating sightseeing service in the area, and a taxicab service in Englewood, testified as to the type of service offered by his company.

The record in the proceeding before us clearly points out a problem that is difficult to answer. Colorado, for many years, has been soliciting summer tourists, and we are building resort hotels, dude ranches, and other facilities for taking care of our summer guests. Our resort owners are now selling a package vacation in our eastern and middle western cities to travel to Colorado by plane, train or bus, and the resort owner now has the problem of transporting the guests from some rail point or air field to his hotel or dude ranch. The guests are demanding immediate transportation and will not stand for several hours lay-over at a depot or airport. In the instant case, we find many of our plane schedules arrive in Denver during the night, and we find our trains from the east arriving at different hours. Applicant, to take care of this situation, proposes to institute its own transportation service. They will be notified of the time of arrival of their guests, either by plane or train, and they plan to have a station wagon at the depot or airport to take care of these guests. It is apparent that as a transportation service only, this operation will not pay its cost of operation under the tariffs proposed. However, it is a vital and necessary service if the hotel or dude ranch wishes to stay in business. We realize the position of the bus companies, but under the present conditions,

it is impractical and economically not feasible for them to satisfy the desires and needs of the summer guests, and we must bear in mind, if their desires and needs are not satisfied, that business will not continue and Colorado will lose a substantial portion of our tourist business.

The question of the service offered by the taxicabs has been considered by the Commission. Taxicab service is in the nature of an emergency or a deluxe service, and the charges made in that service are prohibitive. If we compel our summer guests to use that service, we can think of no better way to drive tourists from Colorado. It therefore appears that the Commission has no other alternative than to grant the application asked for as the tourist business in Colorado is one of the vital components of our economy.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require the proposed common carrier motor vehicle transportation service of applicant, Troutdale in the Pines, Inc., between Stapleton Airport, Denver Union Station, and bus stations in Denver, Colorado, and their hotel, that is, Troutdale in the Pines near Evergreen, Jefferson County, Colorado, of their guests and prospective guests, together with the guests' baggage, and that certificate of public convenience and necessity should issue therefor.

The Commission further finds that the preceding Statement should be made a part of these Findings, by reference.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle service of applicant, for the transportation, by station wagons not to exceed 8-passenger capacity, of guests and prospective guests of said hotel only,

between Stapleton Airport, the Denver Union Station, and the bus stations in Denver, Colorado, on the one hand, and Troutdale in the Pines Hotel, near Evergreen, Jefferson County, Colorado, on the other, with no right of serving intermediate points, said service to be rendered between June 1st and Labor Day of each year, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
Ralph W. Newberry  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1956.

ea

original

(Decision No. 45780)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RUSSELL TURNER, 2537 MAPLETON )  
STREET, BOULDER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 14347

-----  
May 10, 1956  
-----

Appearances: Joseph L. Morrato, Esq.,  
Boulder, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

By the instant application, Russell Turner, Boulder, Colorado, seeks authority to operate as a common carrier by motor vehicle for hire for the transportation of trash, ashes, cans, bottles, dirt, sand, gravel, rock, manure, offal, swill, trees, tree limbs, coal, wood, timber, lumber, furniture, junk, old building material and salvage, refuse and rubbish of all kinds and of similar nature, from all points within the City of Boulder and a 5-mile radius thereof, and to the City of Boulder's dumps, wherever the same may be located.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

When the application was called up for hearing, counsel for applicant requested an amendment of the application by the elimination of "furniture" from the commodities he wishes to transport, which amendment was granted.

Witness testified that he has been engaged in the business he now requests authority to conduct in the City of

Boulder and within a 5-mile radius thereof, since January 1947, under appropriate licenses from the authorities of the City of Boulder. He presented Exhibit A, a certificate from Samuel R. Jones, Director of Finance and Records and Ex-officio Clerk of the City of Boulder, to the effect that applicant's original License No. 56 was dated January 1, 1947; that he has renewed same each year thereafter, and presently is operating under License No. 6 from the City of Boulder; also, Exhibit No. 2, his financial statement, showing a net worth of \$4,373.40; and also, Exhibit No. 3, a description of his equipment used in the operation of his business, being a 1946 Ford 1½-ton Dump Truck, and a 1951 Ford F-6 Dump Truck.

Witness stated that the larger part of his operations has been conducted within the City Limits of Boulder, Colorado, but he has had occasional calls for service within the 5-mile radius, and all trash and ashes have been carried to the City Dump, approximately 3 miles beyond the City Limits.

One Bill Emery, Manager of the Colorado Book Store of Boulder, testified in support of the application to the effect that applicant has been serving him, both at the store and his residence since 1949, and his service has been satisfactory.

The Commission is satisfied that said applicant was actively conducting the business referred to within the City of Boulder, Colorado, for several years prior to January 1, 1955, the effective date of a Constitutional Amendment giving to this Commission jurisdiction over Boulder, a home-rule city, and that he continued to so operate up to the date of the hearing, and is entitled to have his "Grandfather Rights" recognized and established.

No one appeared at the hearing to protest favorable action on the instant application, and the operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Russell Turner, of Boulder, Colorado, should be, and hereby is, authorized to operate as a common carrier by motor vehicle, on call and demand, for the transportation of trash, ashes, cans, bottles, dirt, sand, gravel, rock, manure, offal, swill, trees, tree limbs, coal, wood, timber, lumber, junk, old building material and salvage, refuse and rubbish, of all kinds and of similar nature, from all points within the City of Boulder and a 5-mile radius thereof, to the present City Dump of Boulder, Colorado, or any dump that may be hereafter established therefor, 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 this Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
Joseph C. Kewley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1956.  
ea

original

(Decision No. 45781)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
W. H. HALL, ROUTE 1, BOX 349, )	
BOULDER, COLORADO, FOR A CERTIFI- )	
CATE OF PUBLIC CONVENIENCE AND )	APPLICATION NO. 14345
NECESSITY TO OPERATE AS A COMMON )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

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May 10, 1956  
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Appearances: Ryan, Sayre and Martin, Esqs.,  
Boulder, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

By the instant application, W. H. Hall, Boulder, Colorado, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of trash, rubbish, refuse, garbage, offal, swill, refuse, animal or vegetable matter, refuse trees and tree limbs; refuse coal, wood, timber, lumber, sand, gravel, furniture, and all and every item of a similar refuse or junk nature, within the City of Boulder, Colorado, and within a 5-mile radius thereof.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been engaged in the ash and trash removal business in Boulder, Colorado, since 1939, part of his services being within the 5-mile radius of Boulder, all transportation being to the City Dump, approximately 3 miles beyond the City Limits. He has been regularly licensed by the

city authorities of Boulder each year since 1939, except for one or two exceptions. His equipment consists of a half-ton 1953 Ford pickup, and his net worth is \$1,450.00. He has 40 regular customers and many who obtain his service through telephone calls.

Gale H. Simmons, a building contractor, Stewart A. Laney, the owner of an apartment house, and Charles O. Jenelik, operator of a service station, appeared in support of the application. They have used applicant's services since 1946, 1952 and 1951, respectively, and such services have been satisfactory, the services being performed both at their places of business and their homes.

The Commission is satisfied that said applicant was actively conducting the business referred to within the City of Boulder, Colorado, for several years prior to January 1, 1955, the effective date of a Constitutional Amendment giving to this Commission jurisdiction over Boulder, a home-rule city, and that he continued to so operate up to the date of the hearing, and is entitled to have his "Grandfather Rights" recognized and established.

No one appeared at the hearing to protest favorable action on the instant application, and the operating experience and financial stability of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That W. H. Hall, Boulder, Colorado, should be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of trash, rubbish, refuse, garbage, offal, swill, refuse, animal or vegetable matter, refuse trees and tree limbs; refuse coal, wood, timber, lumber, sand, gravel, furniture and all and every item of a similar nature

within the City of Boulder, Colorado, and within a 5-mile radius thereof, to the present City Dump, approximately 3 miles beyond the City Limits of Boulder, or to any dump that may hereafter be established for said city, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

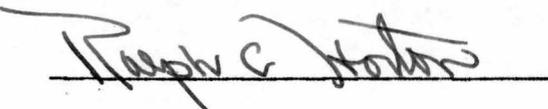
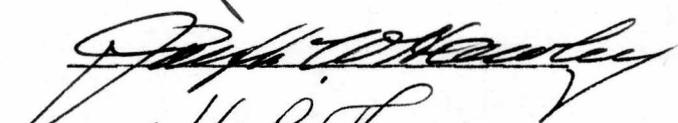
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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 10th day of May, 1956.

ea

original

(Decision No. 45782)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ETHEL E. SORENSON, DOING BUSINESS )	
AS "SORENSON TRUCK SERVICE," LONG- )	
MONTH, COLORADO, FOR AUTHORITY TO )	APPLICATION NO. 14110-Transfer
TRANSFER PUC NO. 489 AND PUC NO. )	<u>Amended</u>
489-I TO SORENSON TRUCK SERVICE, )	
INC., LONGMONT, COLORADO. )	
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IN THE MATTER OF THE APPLICATION OF )	
CHRIS SORENSON, DOING BUSINESS AS )	
"SORENSON TRUCK SERVICE," LONGMONT, )	
COLORADO, FOR AUTHORITY TO TRANSFER )	APPLICATION NO. 14111-Transfer
PUC NO. 337 TO SORENSON TRUCK SER- )	
VICE, INC., LONGMONT, COLORADO. )	
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May 10, 1956  
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Appearances: Marion F. Jones, Esq., Den-  
ver, Colorado, for Trans-  
ferors and Transferees.

S T A T E M E N T

By the Commission:

Ethel E. Sorenson, doing business as "Sorenson Truck Service,"  
Longmont, Colorado, is the owner of PUC No. 489 and PUC No. 489-I, auth-  
orizing:

Transportation of freight in the City of  
Longmont and in the County of Boulder, and  
occasional service throughout the State.

Conduct of a transfer, moving and general  
cartage business in the City of Longmont  
and in the County of Boulder, and for occa-  
sional service throughout the State of  
Colorado, and each of the counties thereof,  
with the proviso that applicant should not  
be permitted, without further authority  
from the Commission, to establish a branch  
office or have an agent employed in any  
town or city other than Longmont for the  
purpose of developing business.

Transportation of freight generally between  
all points in Colorado and 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, as amended.

Chris Sorenson, doing business as "Sorenson Truck Service," Longmont, Colorado, is the owner of PUC No. 337, authorizing:

The conduct, on call and demand, by motor vehicle for hire, of a transfer and general cartage business in the City and County of Denver, and in the Counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and occasional for-hire service by motor vehicle throughout the State of Colorado, and each of the counties thereof (excluding, however, the transportation of used household goods, office and store furnishings and fixtures); and the transportation of powder and explosives when not intermingled with any other class of freight in both regular and irregular service from, to, and between various points in the State of Colorado, with the proviso that for the transportation of commodities other than household goods, powder, and explosives, between points served singly or in combination by scheduled carriers, rates which shall be as much as twenty per cent (20%) higher in all cases than those charged by scheduled carriers, shall be charged, said Chris Sorenson not to establish a branch office or have an agent employed in any other town or city than Denver, Colorado, for the purpose of developing business.

By Application No. 14110, the said Ethel E. Sorenson, doing business as "Sorenson Truck Service," seeks authority to transfer her operating rights under said PUC No. 489 and PUC No. 489-I, and by Application No. 14111, Chris Sorenson seeks authority to transfer his operating rights under PUC No. 337, the transferee in each instance being Sorenson Truck Service, Inc., Longmont, Colorado, a Colorado corporation.

Both applications, pursuant to prior setting, after appropriate notice to all interested parties, were heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, were taken under advisement by the Commission.

Chris Sorenson testified in support of both applications.

He has been conducting the operations under both certificates, all reports being filed jointly, and the equipment operated under either certificate as required. Ethel E. Sorenson is the mother of witness and Charles W. Sorenson is his son. It was decided that the son join with them in the operation under both certificates, and because they were of the opinion that a three-way partnership operating two separate certificates might be unsatisfactory, the three partners formed the transferee corporation. They are the sole incorporators, directors and stockholders, and for convenience in operating, making reports, and bookkeeping, it was found advisable to file the instant applications for transfer. There is no cash consideration, either for the certificates or the equipment, and the interest of the three parties will be represented solely by their stock ownership in the corporation. All operations under the certificates will be conducted as heretofore.

Witness identified the financial statement of transferee, showing assets as of March 30, 1956, of \$7,578.92. There is no indebtedness against the operations under either certificate.

Witness testified that Ethel E. Sorenson, owner of PUC No. 489, also has interstate authority under PUC No. 489-I, and requested an amendment of Application No. 14110 to include this authority.

As it appears that no competing carriers, other than those notified of the hearing, would be opposed to the transfer of this additional authority, the request was granted by the presiding Commissioner.

No one appeared to oppose the proposed transfers, and the Commission is satisfied as to the financial stability of transferee corporation and the experience of the stockholders in the transportation business.

## F I N D I N G S

### THE COMMISSION FINDS:

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

## O R D E R

### THE COMMISSION ORDERS:

That Ethel E. Sorenson, doing business as "Sorenson Truck Service," Longmont, Colorado, should be, and is hereby, authorized to transfer all her right, title and interest in and to PUC No. 489 and PUC No. 489-I -- being the authority as set forth in the preceding Statement which, by reference, is made a part hereof -- to Sorenson Truck Service, Inc., a Colorado corporation, Longmont, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, the transfer of interstate operating rights authorized herein being subject to the Federal Motor Carrier Act of 1935, as amended.

That Chris Sorenson, doing business as "Sorenson Truck Service," Longmont, Colorado, should be, and is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 337 -- being the operating rights as set forth in the preceding Statement, which, by reference, is made a part hereof -- to Sorenson Truck Service, Inc., a Colorado corporation, Longmont, 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, unless such time shall be extended by the Commission, upon proper application.

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 operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Raymond C. Horton  
Joseph W. Newley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1956.

mls

original

(Decision No. 45783)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION PACIFIC RAILROAD COMPANY FOR )  
A DETERMINATION OF THE NECESSITY FOR )  
AUTOMATIC CROSSING PROTECTION AT A )  
POINT WHERE WEST SIXTH STREET )  
CROSSES THE TRACKS OF APPLICANT IN )  
THE TOWN OF CHEYENNE WELLS, COLO- )  
RADO, AND FOR A FURTHER DETERMINA- )  
TION OF THE NECESSITY OF SAID CROSS- )  
ING TO REMAIN AN OPEN CROSSING, AND )  
IN THE EVENT IT IS FOUND NECESSARY )  
THAT THE CROSSING REMAIN OPEN AND )  
THAT AUTOMATIC CROSSING PROTECTION )  
IS NECESSARY TO DESIGNATE THE SPECI- )  
FICATIONS OF SUCH CROSSING PROTEC- )  
TION AND TO APPORTION THE COST THEREOF )  
BETWEEN THE TOWN OF CHEYENNE WELLS )  
AND UNION PACIFIC RAILROAD COMPANY. )  
-----)

APPLICATION NO. 13657  
SUPPLEMENTAL ORDER

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May 10, 1956  
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Appearances: Clayton D. Knowles, Esq.,  
Denver, Colorado, and  
Kenneth A. Selby, Esq.,  
Denver, Colorado, for  
Union Pacific Railroad  
Company;  
Sidney W. Bishop, Esq.,  
Cheyenne Wells, Colorado,  
for Board of County Com-  
missioners, and Hi-Way  
Conoco Service;  
John J. Vandemoer, Esq.,  
Cheyenne Wells, Colorado,  
for Town of Cheyenne Wells,  
and Mike Peterson;  
Jack A. Vohs, Cheyenne Wells,  
Colorado, for Board of  
Directors School District  
No. 2, and Board of Dir-  
ectors, Cheyenne County  
School District;  
Edward C. Hastings, Esq., Eads,  
Colorado, for Knudtson  
Motors, West Hotel &  
Eichenberger Lumber Co.,  
Conoco Service, Plains  
Hotel & Greyhound Bus Service;  
Sinclair Service; Cheyenne  
Wells Lumber Co., Wells  
Theater, A. & T. Grocery,  
Gamble Store, Eastern Colo-  
rado Bank, Herb Bendixen,  
Henry Bendixen, Ralph Stans-  
bury, Archie Lowe, Cheyenne

Wells Elevator Corp.,  
Harmack Grain Co., K. C.  
Electric Co., and E. J. Lietzan;  
J. L. McNeill, Denver, Colorado,  
and  
A. L. Mueller, Esq., Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 45659, dated April 13, 1956, the Commission granted the applicant a certificate of public convenience and necessity, authorizing and directing it to install automatic electric flasher signalling devices at suitable locations in connection with the West Sixth Street crossing of the Union Pacific Railroad in the Town of Cheyenne Wells, Colorado, such signalling devices to be so actuated as to give thirty seconds warning of a train approaching such crossing from either direction at a speed of eighty miles per hour.

On April 19, 1956, "Application for Rehearing" was filed in said matter by E. G. Knowles, Clayton D. Knowles, and Kenneth A. Selby, Attorneys for Applicant.

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

F I N D I N G S

THE COMMISSION FINDS:

That "Application for Rehearing" filed herein should be denied.

O R D E R

THE COMMISSION ORDERS:

That "Application for Rehearing" in the above-styled matter, filed by Union Pacific Railroad Company, by E. G. Knowles, Clayton D. Knowles, and Kenneth A. Selby, Esqs., 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

Received at Denver, Colorado  
this 10th day of May 1956  
by

Ralph C. Horton  
Joseph W. Hawley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1956.

ea

original

(Decision No. 45784)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE CLOSING BY )  
RAILWAY EXPRESS AGENCY, INC., OF )  
ITS WINDSOR STATION IN WELD )  
COUNTY, COLORADO, AS AN EXPRESS )  
OFFICE. )  
----- )

APPLICATION NO. 14394

At a General Session of The  
Public Utilities Commission  
of the State of Colorado,  
held at its offices in Denver,  
Colorado, May 8, 1956.

INVESTIGATION AND SUSPENSION DOCKET NO. 387

On April 17, 1956, Railway Express Agency, Inc., by its  
Superintendent, T. T. Moore, filed its petition under Rule 6 of  
the Commission's Rules and Regulations Pertaining to Railroads  
and Express Companies, proposing to close its Agency office in  
the Town of Windsor, Colorado, effective May 15, 1956.

As stated in said petition, this station is served by  
a truck route operating as F. W. G. Bus Line, Goerge Modellmog,  
Owner, running between Fort Collins and Greeley, Colorado. We  
note the Town of Windsor is located southeasterly from Fort  
Collins, and midway between the above terminals, being a distance  
of fifteen miles by improved roads from either terminal.

According to the applicant, there has been a continued  
decline of traffic at Windsor, Colorado; caused largely by  
improved highways, increased competition, and different methods  
of merchandising and distribution. Attached to applicant's  
petition is a statement of the business transacted at Windsor,  
Colorado, during the period April 1955 to March 1956. A study  
of this statement indicates that the average number of shipments  
was 35 per month; average monthly revenue was \$145.74.

Applicant further states that from April 1929 to  
February 1956, Railway Express traffic was handled at a truck

rate of 33 cents per cwt.; on the basis of a new contract since February, the cost has been 95 cents per cwt. In addition to the truck expense, there are necessary rail operating costs, State and Federal taxes, stationery and supplies, and commission paid to agents based on 10% of the revenue on business handled; hence, business to Windsor is handled at a loss.

If the requested permission is granted, applicant proposes that shipments addressed to Windsor, Colorado, will be held at Fort Collins, Colorado, and postal notices mailed to consignees, after which traffic will be held until called for or other disposition given.

The intention of applicant having become known to interested parties, the Commission received protests from the Mayor and from the Windsor Chamber of Commerce, stating that the proposed closing of the Windsor Agency would be highly detrimental to the growth and economy of the area.

It appears that the effective date of the proposed closing of the Railway Express Agency, Inc. at Windsor, Colorado, might injuriously affect the rights and interests of the community and parties involved, and it is therefore necessary to suspend the effective date of the closing of said Agency. The application and files in this matter will be transferred to Investigation and Suspension Docket No. 387 on the Commission's docket.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the closing of the Windsor Station of the Railway Express Agency, Inc., at Windsor, Colorado, should be suspended and an investigation had in the matter.

#### O R D E R

##### THE COMMISSION ORDERS:

That the effective date of the proposed closing of the Windsor Station of the Railway Express Agency, Inc., at Windsor, Weld County, Colorado, be, and it hereby is, suspended

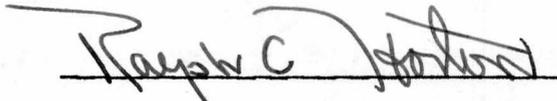
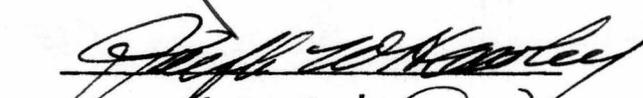
for a period of one hundred twenty (120) days from May 15, 1956, or until September 12, 1956, unless otherwise ordered.

That the matter of the proposed closing of the Windsor Station be made a subject of investigation by this Commission within said period of suspension, or within such further time as the same may be lawfully suspended.

That Application No. 14394, originally assigned to the instant proceedings, be, and it hereby is, closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 387.

That a copy of this Order be filed with Application No. 14394 and with Investigation and Suspension Docket No. 387, and copies served on T. T. Moore, Superintendent, Railway Express Agency, Inc., Express Annex, Denver Union Terminal Building, Denver, Colorado, and on Theodore Sorensen, Mayor of Windsor, Colorado, and Robert W. Bishop, President, Windsor Chamber of Commerce, Inc.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of May, 1956.

original

(Decision No. 45785)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHESNEY R. LAPPIN AND FORDIE A. )  
TUMBLESON, CO-PARTNERS, DOING BUSI- )  
NESS AS "L & T SANITATION COMPANY," )  
ROUTE 2, BOX 388, BOULDER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 14346

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May 10, 1956  
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Appearances: Ryan, Sayre and Martin, Esqs.,  
Boulder, Colorado, for  
applicants.

S T A T E M E N T

By the Commission:

By the instant application, Chesney R. Lappin and Fordie A. Tumbleson, co-partners, doing business as "L & T Sanitation Company," Boulder, Colorado, seek authority to operate as a common carrier by motor vehicle for hire, on call and demand, and engage in the business of cleaning, removing and disposing of the contents of grease traps, cesspools, privies and other such structures, within the counties of Boulder, Weld and Morgan, in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Fordie A. Tumbleson, one of applicants, testified that he operates the City Dump for the City of Boulder, and has been employed in the business of cleaning, removing and disposing of the contents of grease traps, cesspools, privies, etc., within the counties of Boulder, Weld and Morgan, State of

Colorado, in Boulder County since 1945, in Weld County since 1946, and in Morgan County since 1950. His operations in Weld County are mostly in the vicinity of Erie, and in Morgan County mostly in the vicinity of Fort Morgan and Brush. His operations in Boulder County cover the entire county.

He formed a partnership with Chesney R. Lappin in the year 1950, and since that time the operations referred to have been conducted by the partnership. Their equipment consists of the following:

- 1 - 1949 International pickup;
- 1 - 1942 International tractor-truck;
- 1 - 1941 International 1-ton truck; and
- 1 - 1948 International 1½-ton truck.

Their net worth is \$1,425. He is well qualified for the proposed service, having been city scavenger of Boulder since 1945. The number of his customers runs from 50 to 60 per month in Weld County. He makes a trip about once a year, serving several customers on each trip. In Morgan County he has 2 regular customers and serves others occasionally. He produced two letters of customers satisfied with his services, to-wit: Charley F. James and Johnnie Van Dusen, both of Fort Morgan, Colorado.

Witness stated he had no intention of protesting any future applications made for similar service in definite areas in Weld and Morgan Counties, but only wishes to serve those who wish his services who are not served by others.

Chesney A. Lappin, the other partner, testified to the same effect, and John J. Dalton, owner of the Dalton Plumbing Company, testified in support of the application, having known both applicants for many years and having used their services for the past 11 years. In his business he has become acquainted with many others who are using the service of applicants, which service has always been satisfactory.

The Commission is satisfied that said applicants were actively engaged in the business referred to within the City of

Boulder, Colorado, several years prior to January 1, 1955, the effective date of a Constitutional Amendment giving to this Commission jurisdiction over Boulder, a home-rule city, and that they continued to so operate up to the date of the hearing, and are entitled to have their "Grandfather Rights" recognized and established.

No one appeared at the hearing to protest favorable action on the instant application, and the operating experience and financial stability of applicants were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the instant application should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Chesney R. Lappin and Fordie A. Tumbleson, co-partners, doing business as "L & T Sanitation Company," Boulder, Colorado, should be, and hereby are, authorized to operate as a common carrier by motor vehicle for hire, on call and demand, in the business of cleaning, removing and disposing of the contents of grease traps, cesspools, privies and other such structures, within the counties of Boulder, Weld, and Morgan, in the State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

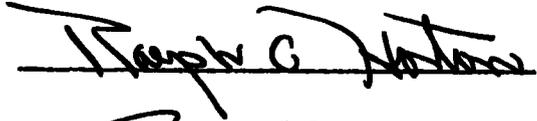
That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 10th day of May, 1956.

ea

original

(Decision No. 45786)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT GERBITZ, 1841 - 28TH STREET, )  
BOULDER, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NEC- )  
CESSITY TO OPERATE AS A COMMON CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 14344

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May 10, 1956  
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Appearances: Ryan, Sayre and Martin, Esqs.,  
Boulder, Colorado, for  
applicant.

S T A T E M E N T

By the Commission:

By the instant application, as amended at the hearing, Robert Gerbitz, Boulder, Colorado, seeks a certificate of public convenience and necessity for the transportation of trash, rubbish, refuse, garbage, offal, swill, refuse, animal or vegetable matter, refuse trees and tree limbs; refuse coal, wood, timber, lumber, sand, gravel, and all and every item of a similar refuse or junk nature, within the City of Boulder, Colorado, and a 5-mile radius thereof.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has been employed as a trucker in Boulder since the year 1951, in the same transportation he now seeks to have validated, a part of these operations having been within a 5-mile radius of the city. His equipment consists of a half-ton 1948 Ford pickup and a half-ton 1941 Ford pickup, and his net worth is \$2,025. He identified

Exhibit B, a statement of the Ex-officio City Clerk of Boulder, to the effect that he has been hauling under proper licenses from the City of Boulder since January 1951. He presently has 250 customers as an average per month, about half of them being regular customers and the others secured through telephone calls.

John J. Stone, Manager of the Boulder Mattress and Awning Company, and Byron Hart, owner of the Food Bank Locker Plant of Boulder, both testified that Applicant Gerbitz has served them since 1951, in removing ashes, trash, etc., both from their places of business and from their homes, and his service has been satisfactory.

The Commission is satisfied that said applicant was actively conducting the business referred to within the City of Boulder, Colorado, for several years prior to January 1, 1955, the effective date of a Constitutional Amendment giving to this Commission jurisdiction over Boulder, a Home-rule City, and that he continued to so operate up to the date of the hearing, and is entitled to have his "Grandfather Rights" recognized and established.

No one appeared at the hearing to protest favorable action on the instant application, and the operating experience and financial stability of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Robert Gerbitz, Boulder, Colorado, should be, and hereby is, authorized to operate as a common carrier by motor vehicle, on call and demand, for the transportation of trash, rubbish, refuse, garbage, offal, swill, refuse, animal or vegetable matter, refuse trees and tree limbs; refuse coal, wood, timber, lumber, sand, gravel, and all and every item of a

similar refuse or junk nature, within the City of Boulder, Colorado, and a 5-mile radius thereof, and to the present City Dump of Boulder, Colorado, approximately 3 miles beyond the City Limits of Boulder, or any dump that may be hereafter established for said city, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

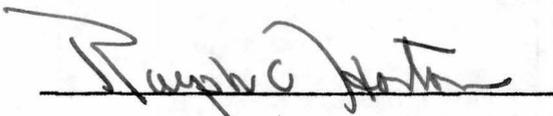
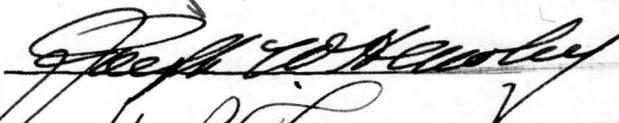
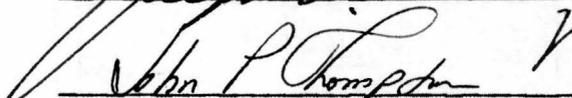
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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 10th day of May, 1956.

ea

original

(Decision No. 45787)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VIRGIL A. COON, 2013 WALNUT STREET, )  
BOULDER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 14343

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May 10, 1956  
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Appearances: Ryan, Sayre and Martin, Esqs.,  
Boulder, Colorado, for  
applicant.

S T A T E M E N T

By the Commission:

By the instant application, as amended at the hearing, Virgil A. Coon, of Boulder, Colorado, seeks authority to operate as a common carrier by motor vehicle, on call and demand, for the transportation of trash, rubbish, refuse, garbage, offal, swill, refuse, animal or vegetable matter, refuse trees and tree limbs; refuse coal, wood, timber, lumber, sand, gravel, and all and every item of a similar refuse or junk nature, within the City of Boulder, Colorado, and a 5-mile radius thereof.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Virgil A. Coon, applicant herein, testified that he has been engaged in the transportation of ashes, trash and rubbish within the City of Boulder, Colorado, since 1946, under appropriate licenses from the officials of the City of Boulder, with transportation to the City Dump about 3 miles beyond the City Limits. His equipment consists of one 1½-ton 1946 Ford dump truck, and his net worth is \$1,555. He has two regular

customers, the larger percentage of his business coming from occasional telephone calls, the total of his customers being over 200. He testified that one Marius Juhl has a contract with the City of Boulder for the disposal of garbage only and will not pick up paper or trash of any kind, and his operations do not conflict with the trash-hauler operations in Boulder.

Louis R. Champion, operator of a service station at 15th & Pearl Streets, Boulder, Colorado, testified in support of the application. He has employed applicant Coon for the past four years, and his services have been satisfactory.

The Commission is satisfied that said applicant was actively engaged in the business referred to within the City of Boulder for several years prior to January 1, 1955, the effective date of a Constitutional Amendment giving to this Commission jurisdiction over Boulder, a home-rule city, and that he continued to so operate up to the date of hearing, and is entitled to have his "Grandfather Rights" recognized and established.

No one appeared in opposition to the granting of the instant application, and applicant's operating experience and financial stability were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Virgil A. Coon, Boulder, Colorado, should be, and hereby is, authorized to operate as a common carrier by motor vehicle, on call and demand, for the transportation of trash, rubbish, refuse, garbage, offal, swill refuse, animal or vegetable matter, refuse trees and tree limbs; refuse, coal, wood, timber, lumber, sand, gravel, and all and every item of

a similar refuse or junk nature, within the City of Boulder, Colorado, and a 5-mile radius thereof, and to the present City Dump, approximately 3 miles beyond the City Limits of Boulder, or to any dump that may be hereafter established, 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 of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Raymond C. Horkent  
Joseph W. Hensley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION NO. 294, THE MOTOR TRUCK )  
COMMON CARRIERS' ASSOCIATION, AS AGENT, )  
FOR AND ON BEHALF OF CARRIERS PARTIES )  
TO ITS TARIFF NO. 12, COLORADO P.U.C. )  
NO. 6, REQUESTING AUTHORITY TO USE A )  
CONVERSION TABLE IN APPLYING THE DISTANCE )  
SCALES OF CLASS RATES PUBLISHED IN )  
SECTION 1 OF ABOVE TARIFF. )  
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CASE NO. 1585

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May 10, 1956  
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S T A T E M E N T

By the Commission:

This matter is before the Commission on an application (294) from The Motor Truck Common Carriers' Association, as Agent, by J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, for and on behalf of motor vehicle common carriers parties to its tariff Colorado P.U.C. No. 6, requesting authority to republish Amendment No. 42 to Colorado P.U.C. No. 6, and change the application of the increases in rates provided for therein so that said increases will apply only on the distance class rates published in Section No. 1 of the tariff.

Amendment No. 42 contains conversion tables reflecting the increases in rates authorized by the Commission in its order of February 6, 1956, Decision No. 45325, Case No. 1585.

In Decision No. 45325, the Commission required the discontinuance of the use of the conversion tables publication not later than June 1, 1956.

The instant petition states that the work of reflecting the authorized increases in the specific point to point class rates is practically completed. However, in attempting to apply the various increases to the distance scales of class rates, it is practically impossible to compute scales of rates based upon all

possible applications of the increases and to restrict their use properly.

Many carriers took no increase; others increased their rates by 10% on interline movements and 15% on local movements; and still others, a 10% increase on both local and interline traffic.

Also, because of the application of various changes and increases authorized in the past, there are now in effect two separate scales of less-than-truckload distance rates and four separate distance scales of rates subject to minimum weights of 5,000 and 10,000 pounds. These numbers will be multiplied many times by publishing the present increases.

To attempt to include the increases in the distance scales of class rates would result in a chaotic situation and it would be extremely difficult for any one to determine the correct rate.

The carriers' need for the increased rates has not diminished and the continuation of the use of conversion tables in connection with the distance scales of class rates will simplify a difficult problem and will result in more uniform application of the increases.

The publication of the specific point to point rates with the increases added will greatly simplify the use of the tariff and will enable the user of said tariff to ascertain the correct rate without referring to the conversion tables amendment.

We are not fully informed to what extent the distance scales are used. However, from the past experience of the rate department of the Commission in making its rate checks, it seldom has to refer to the distance scales of rates in ascertaining the correct rate on any given shipment.

#### F I N D I N G S

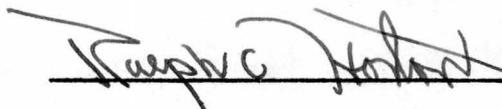
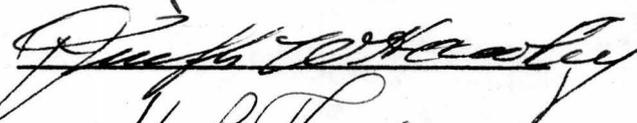
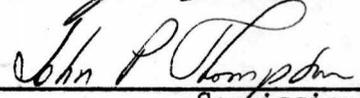
THE COMMISSION FINDS, That: the request should be authorized.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings are hereby made a part hereof.
2. This order shall become effective forthwith.
3. Decision No. 45325, dated February 6, 1956, in Case No. 1585, is hereby modified to the extent of permitting the use of conversion tables in applying the increases prescribed in said decision in connection with the use of the distance scales of class rates.
4. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect 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

  
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\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 10th day of May, 1956.

mem

original

(Decision No. 45789)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM L. WOLSLEBEN, 1625 - 16TH )	
STREET, BOULDER, COLORADO, FOR A )	
CLASS "B" PERMIT TO OPERATE AS A )	<u>APPLICATION NO. 14352-PP</u>
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
May 11, 1956  
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Appearances: William L. Wolsleben,  
Boulder, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for the transportation of waste paper and trash, for Esquire-Coronet Publishing Company only, from the place of business of said company in Boulder, Colorado, to the Boulder City Dump.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he is employed at the plant of Esquire-Coronet Publishing Company in Boulder as a night watchman, and has been requested to haul the waste paper and other refuse from the plant of said company to the Boulder City Dump. He owns a Jeep with four-wheel trailer. This trailer is set on the premises of said company and when filled is transported to the city dump, which requires, sometimes daily and sometimes weekly, service. He has been conducting the service since July 1, 1955.

Eldon D. Furney, Head Custodian on the premises of said publishing company, appeared in support of the application, testifying as to the need for the service, and the satisfactory service given by applicant.

No one appeared at the hearing to protest favorable action on the instant application, and it would appear that applicant's service in hauling waste paper and trash to the dump is necessary, and will not affect the service of any common carrier now operating in the area involved.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That William L. Wolsleben, of Boulder, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle, for the transportation of waste paper and trash for Esquire-Coronet Publishing Company, only, from their place of business in Boulder, Colorado, to the city dump northeast of Boulder, Colorado, a distance of approximately four miles, without the right to add to his customers unless such authority is first had and obtained from this Commission.

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

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

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

This Order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John W. Newley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1956.

ea

original

(Decision No. 45790)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
REX E. SCOTT, 355 - 38TH STREET, }  
BOULDER, COLORADO, FOR A CLASS "B" }  
PERMIT TO OPERATE AS A PRIVATE }  
CARRIER BY MOTOR VEHICLE FOR HIRE. }  
----- )

APPLICATION NO. 14350-PF

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May 11, 1956  
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Appearances: Rex E. Scott, Boulder,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Rex E. Scott, Boulder, Colorado, seeks 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he is an earth-moving contractor and has been operating for the past three years in the City of Boulder, Colorado. He needs the authority requested to be used as an incident to his earth-moving operations. He owns 2 Ford dump trucks, 1947 and 1951, and his net worth is \$30,000. He wishes to serve any contractor who desires his services.

No one appeared at the hearing to protest favorable action on the application, and it does not appear that the granting of said authority and applicant's operations thereunder would impair the services of common carriers operating in the area. Applicant's operating experience and financial responsibility were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Rex E. Scott, of Boulder, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

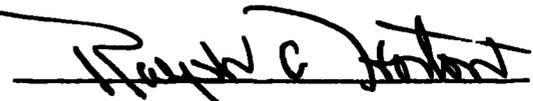
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1956.

ea

Original

(Decision No. 45791)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARAPAHOE CONTRACTORS, INC., 1406 )  
PEARL STREET, BOULDER, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
----- )

APPLICATION NO. 14348-PP

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May 11, 1956  
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Appearances: Leonard D. Newhouser,  
Boulder, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

By the instant application, Arapahoe Contractors, Inc., seeks 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel from pits and supply points in the State of Colorado to railroad loading points, and to homes and small construction 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; insulrock from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Leonard D. Newhouser testified that he is a contractor handling, largely, excavating jobs and pipeline installations, and needs the authority requested as an incident to that business. He owns two Ford dump trucks, each 2-ton capacity, 1948 and 1952. He is President of applicant corporation, and the net worth of the corporation is approximately \$24,000.

In this sand and gravel haul, applicant has been serving Highland Park Builders, Inc. on a project in Highland Park, near Boulder; Williams Construction Company; Gale Simmons, Builder; and Bob Bowren, a contractor, and wishes to serve any contractor desiring applicant's service.

No one appeared at the hearing to protest favorable action on the instant application, and it does not appear that the granting of said authority and applicant's operations thereunder, will impair the services of common carriers operating in the area.

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Arapahoe Contractors, Inc., Boulder, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel from pits and supply points in the State of Colorado to railroad loading points, and to homes and small construction 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; insulrock,

from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

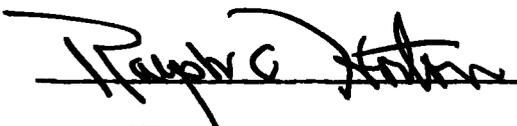
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

That the right of applicant to operate hereunder shall depend upon its 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 11th day of May, 1956.

ea

original

(Decision No. 45792)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FLOYD BLANKA, 1005 NORTH STREET, )	
BOULDER, COLORADO, FOR A CERTIFICATE )	
OF PUBLIC CONVENIENCE AND NECESSITY )	APPLICATION NO. 14342
TO OPERATE AS A COMMON CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
May 11, 1956  
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Appearances: Floyd Blanka, Boulder,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Floyd Blanka seeks a certificate of public convenience and necessity authorizing him to haul trash, ashes and other refuse, including fertilizer, from point to point in Boulder, Colorado, and a five-mile radius thereof, and to the Boulder Public Dump.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is engaged in yard work largely, and hauling fertilizer to and trash from the yards served. He has a 1952 one-half-ton Dodge pickup truck, and his net worth is \$5,000. He has no regular customers but has been serving an average of fifty customers per month, and has had many applications for the service.

No one appeared at the hearing to protest favorable action on the instant application. Applicant's operating experience and financial stability were shown to the satisfaction of the Commission.

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 applicant.

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 Floyd Blanka, Boulder, Colorado, for the transportation of trash, ashes and other refuse, including fertilizer, from point to point in Boulder, Colorado, and a five-mile radius thereof, and to the Boulder Public Dump, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

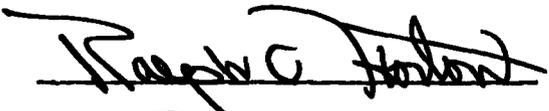
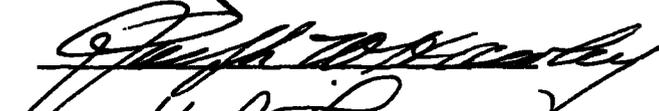
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1956.

original

(Decision No. 45793)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
NATIONAL CONSTRUCTION COMPANY, INC.,	)	
3100 PEARL STREET, BOULDER, COLORADO,	)	
FOR A CLASS "B" PERMIT TO OPERATE AS	)	<u>APPLICATION NO. 14349-PP</u>
A PRIVATE CARRIER BY MOTOR VEHICLE	)	
FOR HIRE.	)	
-----	)	

-----  
May 11, 1956  
-----

Appearances: W. E. McCarthy, Esq.,  
Boulder, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road-surfacing materials from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; insulrock from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Boulder, Colorado, on May 4, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Thomas Dawe, President of applicant company, stated that said company is a Colorado corporation, its principal business being the handling of excavation contracts, and it

needs the authority applied for as incidental to that business. It has been serving under temporary authority the firms of Mead & Mount, M. W. Watson Construction Company, and the City of Boulder. It operates six dump trucks, and its net worth is \$120,000.

No one appeared at the hearing to protest favorable action on the instant application for authority, and the operating experience and financial stability of applicant were established to the satisfaction of the Commission.

It does not appear that the granting of the application or operations thereunder would impair the services of common carriers operating in the 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 National Construction Company, Inc., a Colorado corporation, 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 from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; insulrock from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

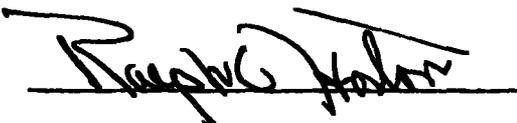
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

That the right of applicant to operate hereunder shall depend upon its 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 11th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF INCREASED)  
FREIGHT RATES AND CHARGES )  
WITHIN COLORADO - 1956 )  
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APPLICATION NO. 14093

(EX PARTE NO. 196)

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May 11, 1956  
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Appearances:

- T. A. White, Esq., Denver & Rio Grande Western Railroad Company, P. O. Box 5482, Denver 17, Colorado, et al;
- E. G. Knowles, Esq., Union Pacific Railroad Company, Denver Club Building, Denver 2, Colorado;
- John J. Burchell, Esq., Union Pacific Railroad Company, 1416 Dodge St., Omaha, Nebraska;
- Douglas McHendrie, Esq., Atchison, Topeka & Santa Fe Railway Company, 730 Equitable Bldg., Denver 2, Colo;
- M. C. Richardson, Freight Traffic Dept., Atchison, Topeka & Santa Fe Railway Company, Topeka, Kansas;
- J. W. Preston, Esq., Missouri Pacific Railroad Company, Pueblo, Colorado;
- David A. Rainey, The Colorado & Southern Railway Company, 239 Union Station Bldg., Denver, Colorado;
- L. W. Glover, The Colorado & Southern Railway Company, 517 C. A. Johnson Bldg., Denver 2, Colorado;
- J. G. Simpson, The Denver & Rio Grande Western Railroad Company, 1531 Stout St., Denver 2, Colorado;
- Waldo A. Gillette, Monolith Portland Midwest Company, 3326 San Fernando Road, Los Angeles 65, California;
- Joseph T. Enright, Esq., Spring Arcade Bldg., 543 South Spring St., Los Angeles, California;
- T. C. Taylor, Ideal Cement Company, 507 Denver National Building, Denver 2, Colorado;
- Frank J. Rebhan, American Crystal Sugar Company, P. O. Box 419, Denver 1, Colorado;
- Dorsey O. Ruthrauff, American Crystal Sugar Company, P. O. Box 419, Denver 1, Colorado;
- Don McCarl, Colorado Potato Growers Exchange, 2401 Larimer St., Denver 5, Colorado;
- J. R. Copeland, Holly Sugar Corporation, P. O. Box 1052, Colorado Springs, Colorado;
- Wm. DeBoer, Colorado Fuel & Iron Corporation, 503 Continental Oil Building, Denver 2, Colorado;
- O. F. Bridwell, Northern Colorado Coals, Inc., 650 Equitable Building, Denver 2, Colorado;
- A. L. Mueller, Esq., for the Commission.

## S T A T E M E N T

### By the Commission:

On January 26, 1956, common carriers by railroad in Colorado, filed an application with this Commission requesting the same increase on freight rates and charges, including milk and cream in passenger service, on Colorado intrastate as might be authorized by the Interstate Commerce Commission (hereinafter referred to as the I. C. C.), on interstate traffic in Docket Ex Parte No. 196.

On March 2, 1956, the I. C. C. entered its order authorizing a basic increase of 6 per cent, including charges for transportation of milk and cream in passenger service, with stated maximum amounts on certain commodities and 5 per cent increase on grain, grain products, grain by-products and articles taking the same rates, livestock, as described in Groups 203 to 213, Freight Commodity Statistics, fresh meats, as described in Group 215 and packing house products, as described in Groups 217 and 219.

On March 12, 1956, Decision No. 45480, this Commission assigned the matter for hearing on April 5, 1956, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado.

The hearing was held as assigned and at its conclusion the matter was taken under advisement by the presiding Commissioner.

### Carriers' Testimony and Evidence

At the beginning of the hearing T. A. White, Esq., representing the petitioning railroads as listed in the appendix to the petition offered, without objection, as Exhibit No. 1 a copy of the order of the I. C. C. in Ex Parte No. 196.

Witness Herman C. Kroll, Assistant Manager of the Statistical Bureau, Western Traffic Association, Chicago, Illinois, introduced in evidence an exhibit identified as No. 2, consisting of six pages and a cover. The witness before discussing Exhibit No. 2 made the following preliminary remarks:

"As you are all aware, the Interstate Commerce Commission granted increases in Ex Parte 175, which became effective in their final measure on interstate traffic May 2, 1952, on all commodities with the exception of grain and grain products, which increases became effective May 17, 1952. Ex Parte 196, therefore, should properly be based on what has happened since 1952, which was the last year of consideration in Ex Parte 175. For that reason, generally speaking, the exhibit which has been identified as No. 2 begins with 1952 and shows what has happened since that year."

Page 1 of Exhibit 2 shows the details of the operating income account of the Class I rail carriers serving the State of Colorado and is set forth in Table 1 of Appendix A. The witness stated that the reason for the drop in the rate of return in 1954, in addition to slight increases in cost of providing the service, was due to a minor recession in the country's economy as a whole which was reflected in the number of revenue car loadings offered for carriage. In the year 1955, most of that loss in car loadings had been recouped by the carriers.

Page 2 is a statement showing the system operating income account for the year 1955 for Class I Railroads operating in the State of Colorado, as reported to the I. C. C., restated to include new costs for the entire year and restated including new costs and increased revenues which will be derived from the application of Ex Parte 196 on both state and interstate traffic.

Subsequent to September 30, 1955, the carriers were subjected to substantial increases in their cost of providing services. The primary factor was due to wage increases which normally constitute approximately 60% of the operating expenses. The restated figures to include the new costs for the entire year shows an increase of some \$80,000,000 in operating expenses and an increase of some \$9,000,000 in payroll taxes and a reduction of some \$41,000,000 in federal income taxes, resulting in net railway operating income of approximately \$47,400,000 less than the actual net railway operating income as reported. The restated figures, including the new costs and increased revenues under Ex Parte 196, brings the net railway operating income back to approximately the same revenue as reported.

Page 3 is a statement of the average straight-time compensation per hour for the years 1952 - 1953 - 1954. The year 1955 is not shown, as the information for that year was not available when the exhibit was prepared; also, the estimated annual increase in compensation to rail employees in the State of Colorado. The details of page 3 are shown in Tables 2 and 3 of Appendix A.

Page 4 is a statement showing the index of Western District average unit prices of railway material and supplies, including fuel, January 1952 through 1956; also, the estimated annual increase in material and supply costs within the State of Colorado. The details of page 4 are shown in Tables 4 and 5 of Appendix A. The witness stated that 30% of the railroad's operating expenses is caused by the expenditure of materials and supplies used in producing transportation service.

Page 5 is a statement showing the freight revenue earned within the State of Colorado for the years 1954 and 1953 with the Ex Parte 196 increase, also increase in wages, payroll taxes and material and supplies. The details of page 5 are shown in Table 6 of Appendix A. The 5.6% increase shown in connection with interstate revenue was used as the I. C. C. estimated that the Ex Parte 196 increases would approximate that percentage in the west. The 5.9% increase used on intrastate revenue was arrived at by using the provisions of the I. C. C. order in Ex Parte 196 and applying them to the various commodity classes which showed up in the I. C. C. 1% waybill study as moving intrastate in Colorado and arrived at that weighted average percentage. The 1953 revenues have been used as a more normal year in making a comparison with the increased costs in wages and material and supplies.

Page 6 is a statement showing the freight performance averages of Class I Railroads serving the State of Colorado for the years 1952 through 1955. The details of page 6 are shown in Table 7 of Appendix A.

Witness J. G. Simpson, Freight Traffic Manager, The Denver and Rio Grande Western Railroad, Denver, Colorado, testified in a general way as to the need of increased revenues to offset the railroads' increased costs since September 30, 1955, occasioned by increases in wages, fringe benefits, materials and supplies and payroll taxes. It was the opinion of this witness that the increases in freight rates would not cause any material diversion of freight traffic from rail transportation. He also stated that unless intrastate rates and charges were increased by the same percentage amount as was interstate traffic, the revenues of the railroads would fall short a considerable amount from what was found necessary by the I. C. C.

Witness L. G. McCall, Operating Analyst for the President of The Denver and Rio Grande Western Railroad Company, Denver, Colorado, testified and offered in evidence three exhibits identified as Nos. 3, 4 and 5. Exhibit No. 3 purports to show the revenue per ton-mile as compared with the consumer price index and the hourly compensation paid The Denver and Rio Grande Western employees from 1940 to 1955. The average of 1947, 1948 and 1949 is used to indicate 100 per cent.

In 1952 the ton-mile revenue is shown as 109.4%, compensation paid at straight time, 142.4% and consumer price, 113.5%. In 1955 the ton-mile revenue is shown as 105.9%, compensation paid 153.3% and consumer price 114.5%. The straight time rates represent straight time paid in train and engine service, and time actually worked and paid for at straight time rates in other services.

Exhibit No. 4 shows the total operating expenses, wage compensation and payroll taxes and labor's share of total operating expenses of The Denver and Rio Grande Western Railroad for the years 1935 through 1955. The following table shows a comparison for the years 1952 and 1955.

Year	Total Operating Expenses	Wage Compensation and Payroll Taxes (a)	Labor's Share of Total Operating Expenses
1952	\$55,443,201	\$38,154,474	68.8%
1955	48,508,177	32,557,522	67.1%

(a) Includes that portion of wage compensation, railroad retirement taxes, and unemployment insurance chargeable to operating expenses.

The peak year for the 21 years' period for operating expenses was 1945, \$60,578,977; wage compensation and payroll taxes, 1952, \$38,154,474, and labor's share of total operating expenses, 1947, 70.2%.

Exhibit No. 5 shows percentagewise the index of fuel and material costs of Western District Railroads; index of hourly compensation paid Denver and Rio Grande Western employees at straight time rates and index of Denver and Rio Grande Western revenue per ton-mile for the years 1940 through 1955.

The average of 1947, 1948 and 1949 equals 100%. The following table shows a comparison for the years 1952 and 1955.

Year	Index of Fuel and Material Costs of Western District Railroads.	Index of Hourly Compensation Paid D&RGW Employees at Straight Time Rates	Index of D&RGW Revenue Per Ton-Mile
1952	114.0%	142.4%	109.4%
1955	127.5%	153.3%	105.9%

The peak year on fuel and material cost and the hourly compensation paid was 1955, and 1953 on revenue per ton-mile, 114.4%.

#### Shippers Supporting Carriers' Petition

Witness Waldo A. Gillette, Director of Public Relations and Traffic Manager for the Monolith Portland Midwest Company, testified that his company has a cement plant at Laramie, Wyoming, and another one at Monolith, California; that the Colorado intrastate rates on cement must be increased or the interstate rates from Laramie, Wyoming to Colorado destinations must be reduced in order to eliminate undue discrimination which now exists, due to the Ex Parte 196 increase on interstate traffic; that the freight rate on cement is from 25 to 33.33

per cent of the delivered cost, and a one cent increase per 100 pounds in the freight rate is equivalent to 3.8 cents per barrel; that effective March 7, 1956, the rate from Laramie, Wyoming, to Denver, Colorado, was increased from 13 to 14 cents per 100 pounds, while the rate of 13 cents per 100 pounds from Boettcher and Portland, Colorado, to Denver, Colorado has not been increased; that the one cent per 100 pounds, or 20 cents per ton, causes a disability to this Company in the amount of at least \$10,000.00 per year; that there is no cement being shipped into Denver from Laramie by truck.

#### Protestants' Testimony and Evidence

Witness T. C. Taylor, General Traffic Manager, Ideal Cement Company, a Colorado Corporation, Denver, Colorado, testified that his company owns and operates cement mills at Boettcher and Portland, Colorado, also operates a plaster plant at Portland; that its principal business is the manufacture, selling and shipping via rail or motor carriage, Portland and masonry cement, and plaster, to points in Colorado and various other states, wherever sales therefor can be found, and rates and charges will permit; that Boettcher is located on the Union Pacific Railroad Company, five miles north-northwest of Ft. Collins, Colorado, and Portland is located on the Atchison, Topeka and Santa Fe and Denver and Rio Grande Western 26 $\frac{1}{2}$  miles west of Pueblo, Colorado; that he was duly authorized by his employer to appear in this proceeding in protest against the sought increases.

The witness stated that it was the feeling and belief of his company that the Ex Parte 196 increase move was untimely and ill-advised due to the fact that the carriers' final results and statistical figures for 1955 were not available, therefore their costs were based largely upon estimates; that he filed a verified statement with the I. C. C. protesting the Ex Parte 196 increase of 7 per cent; that for the year 1955, the movement of cement from Boettcher was 25.56% by rail, and 74.44% by truck; the Colorado destination area via motor is Denver, and points north of an east-west line drawn through Denver; that a breakdown from Portland is as follows:

	<u>Via Rail</u>	<u>Via Motor</u>
Cement	69.9%	30.1%
Plaster	68.5%	31.5%
Ground Gypsum & Limestone	62.0%	38.0%

Based upon the above percentages it was the witness' considered opinion that any further increase in rail rates will increase the motor haulage.

Witness Taylor introduced in evidence four exhibits identified as Nos. 7, 8, 9 and 10.

Exhibit No. 7 is a copy of the verified statement and petition for suspension of the Ideal Cement Company filed with the I. C. C. in Ex Parte No. 196.

Exhibit No. 8 is a statement showing the average revenue in mills per ton-mile, received by the Class I railways in the United States as a whole for the years 1946 through 1955. The year 1953 was the high one, viz: 14.78 mills and 1955 is shown as 13.70 mills.

Exhibit No. 9 is a statement showing the number of cars loaded in the United States for the years 1944 through 1955 and the percentage of bad order cars awaiting repairs. Also a comparison of 1956 revenue loadings with 1955 and 1954 for the periods four weeks in January and February and weeks of March 3rd, 10th, 17th and 24th. The peak year for the period shown was 1947, 44,502,188 cars, which was 17.47% over the 1955 loadings of 37,883,543 cars.

Exhibit No. 10 is a statement showing shortages in empty plain box cars and covered hopper bottom cars needed for U. S. loadings by weeks in 1955 and the first quarter of 1956, as reported by the American Association of Railroads (AAR).

In connection with the shortage of cars shown on Exhibit 10, the witness in answer to a question as to his experience in car shortages at his mills stated that there had been some shortages; however, on account of the highly competitive situation in Colorado it was quickly answered by the supply of cars.

Witness Frank J. Rebhan, General Traffic Manager, American Crystal Sugar Company, Denver, Colorado, testified and offered in evidence one exhibit identified as No. 11.

Exhibit No. 11 is a statistical statement for the shipping season 1955, showing distances, number of carloads, tons shipped, rate per net ton, freight paid, car miles, ton miles, revenue per car, per car-mile, and per ton-mile. Also the weighted averages covering rate per ton, distance, revenue per car-mile and per ton-mile, and tons per car.

To Rocky Ford from 16 origins in the Arkansas Valley the weighted averages are as follows: rate per ton, 69.46 cents; distance, 29.54 miles; revenue per car-mile, 109.06 cents; revenue per ton-mile, 2.351 cents, and tons per car, 46.58 tons; from San Luis Valley points, 230.81 cents, 191.2 miles, 52.38 cents, 1.207 cents and 43.38 tons, respectively; from all Colorado origins, 77.99 cents, 38.09 miles, 93.26 cents, 2.047 cents, and 46.38 tons, respectively; from Texas points, 300.52 cents, 323.29 miles, 43.84 cents, 9.29 mills, and 47.30 tons, respectively; from all points, 132.02 cents, 107.35 miles, 57.47 cents, 1.23 cents, and 46.60 tons, respectively.

The witness testified that his company paid to the railroads for hauling beets in Colorado for the 1955 harvest season, \$76,755.00 and that a 6% increase on that amount of freight charges would mean an addition of approximately \$4,605.00, with the possible result some of the said increase would be passed on to the growers, which action would have an adverse effect as it would discourage the growers in the growing of sugar beets. He further testified that for short distances the sugar beet tonnage would be diverted to growers' trucks, which would be a definite loss to the railroads.

The tonnage for 1955 from the Arkansas Valley points was approximately 72% of the total tonnage, 4% from San Luis Valley points and 24% from Texas points. The weighted average rate per ton from the Arkansas Valley was 69.46 cents, from the San Luis Valley, 230.81 cents

and from Texas, 300.52 cents. From the above figures it is to be observed that 24% of the tonnage moved from Texas at an average rate of approximately 70 cents per ton higher than from the San Luis Valley, from which only 4% moved.

From this observation it would seem there are other factors than the freight rate entering into the picture that are not disclosed in the record.

Witness Don McCarl, Traffic Manager, Colorado Potato Growers Exchange, Denver, Colorado, testified that he was opposing the increase on potatoes and onions for the reason his organization could not afford it; that when he entered the services of the Exchange, 21 years ago, 100% of their business was shipped by rail. At the present time 56% of it moves by truck. That the farmers' cost of materials and supplies have also been increased; that in the first part of March, 1956, under the minimum wage scale the farmers' labor cost was increased approximately 25%.

The witness also introduced in evidence one exhibit identified as No. 12. Page 1 of said exhibit shows the estimated average price per bushel on potatoes received by the Colorado farmers, per month for the years 1945 through 1955. The high for the period was the year 1952, with an average of approximately \$2.20, and the low 1955, with an average of approximately \$1.08. Page 2 shows similar data as page 1. Page 3 shows the farm wage rates (with board) per month for the period 1945 through 1954 and January, 1955. In January, 1945, the rate was \$88.00; 1946, \$91.00; 1947, \$100.00; 1948, \$114.00; 1949, \$114.00; 1950, \$104.00; 1951, \$118.00; 1952, \$131.00; 1953, \$134.00; 1954, \$133.00; 1955, \$128.00. Page 4 shows the rail and truck shipments of potatoes and onions from Colorado for the seasons 1945-1946 through March 30, 1956. The truck shipments of potatoes have been converted into carloads on the basis of 45,000 pounds per car for the 1945 - 1948 crop years and 36,000 pounds per car for subsequent seasons, and onions have been converted on basis of 40,000 pounds per car for 1945 and 30,000 pounds for the subsequent seasons.

The movement of potatoes by truck for the 1945-1946 season was 12% of the total and for the 1954-1955 season, 72.8%. The onion movement by truck for the 1945-1946 season was 7% of the total and 78% for the 1954-1955 season.

#### Our Observations

In the I. C. C. Order of March 2, 1956, in Ex Parte No. 196, Increased Freight Rates, 1956, it was found that by reason of an increase in operating expenses of the railroads amounting to more than 500 million dollars annually, consisting principally of increased wages, taxes, and increased costs of material and supplies, some increase in the basic freight rates and charges will be just and reasonable.

Referring to Table 3, Appendix A, the estimated number of Class I Railroad employees in Colorado is shown as being 1.16 per cent of the United States and the estimated increase in wages and payroll tax of the Class I carriers serving Colorado is shown as amounting to \$5,366,160.00, or 1.16% of the increase in the United States. Also referring to Table 5 in said Appendix, the total operating expenses of the Class I carriers serving Colorado for the year 1954 is shown as being 2.6% of the Western District Class I carriers.

Applying this percentage to the estimated increase in material and supplies subsequent to September 30, 1955, results in an amount of \$1,224,600.00. In other words, subsequent to September 30, 1955, the Class I carriers in Colorado have experienced a total increase of \$6,590,700.00 in wages, payroll tax and materials and supplies chargeable to operating expenses.

Using the 1953 freight revenue on Colorado state and interstate traffic and adding the Ex Parte 196 increases results in an increase in Colorado revenues of \$5,553,842.00, as shown in Table 6, Appendix A, which is \$1,036,858.00 less than the increase in operating expenses shown in the next preceding paragraph.

The three shipper witnesses who testified in opposition to the proposed increases on cement and plaster, sugar beets, potatoes and onions, all felt that any further increase in their rates would tend to divert to some extent the traffic to truck transportation. As previously stated herein, the movement of cement from Boettcher in 1955 was 25.56% by rail and 74.44% by truck, and from Portland, 69.9% by rail and 30.1% by truck. The movement of potatoes for the 1954-1955 season by truck was 72.8% and 12% for the 1945-1946 season. The movement of onions by truck increased from 7% for the 1945-1946 season to 78% for the 1954-1955 season.

The issues involved in this proceeding present similar issues to those presented in a recent motor carrier case (Investigation and Suspension Docket No. 382, decided February 28, 1956, Decision No. 45385) wherein the Commission stated:

"The records in this proceeding and the proceedings under Decision No. 45325 have in our opinion shown the need of the carriers for additional revenue to meet at least to some degree, if not entirely, their increased cost of operation and maintenance. Whether or not these increases will produce the desired results time alone can determine. It may be argued, and perhaps with some propriety, that the policy of increasing rates to meet the increased costs of operations is not the answer to the carriers' problem, due, among other reasons, to the potentiality of diverting traffic to other forms of transportation. However, where the carriers have, in their judgment, effected such economies as they deem advisable without impairing the service and are still operating at a loss or a small margin of profit the only avenue left available is to attempt to increase the source of their revenue."

The Commission is of the opinion that the record amply shows the carriers' need for additional revenue in an attempt to meet their added operating costs. As previously stated herein, the 6 per cent increase is now in effect on interstate traffic.

In Application No. 11007 (our companion case to I. C. C. Ex Parte No. 175, Sub. 1), Decision No. 41608, dated November 25, 1953, this Commission authorized the rail carriers to make the same relative increase in rates and charges on Colorado intrastate

traffic as was authorized by the I. C. C. on interstate traffic in its report and order of April 11, 1952.

The situation existing in this proceeding is not foreign to those existing in the above referred to case.

The record in connection with the Ex Parte 196 proceeding before the I. C. C. was by reference made a part hereof.

#### F I N D I N G S

THE COMMISSION FINDS:

That the applicants should be authorized to make the same relative increase in rates and charges on Colorado intrastate traffic as was authorized by the I. C. C. in its order dated March 2, 1956, in Ex Parte 196, Increased Freight Rates, 1956.

#### O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings hereinbefore set forth, be, and they are hereby made a part hereof.

2. This order shall become effective forthwith.

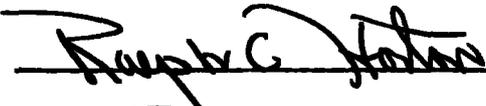
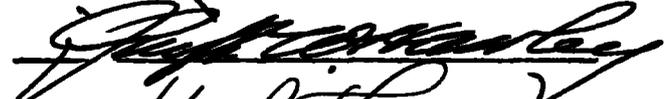
3. The said increases on Colorado intrastate traffic may be made effective on or before June 1, 1956, upon notice to this Commission and to the general public by not less than ten days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.

4. All tariffs changing rates and charges by authority of this order shall bear specific reference to this order.

5. The order of the I. C. C., dated March 2, 1956, in Ex Parte 196, Increased Freight Rates, 1956, be, and the same is hereby made a part hereof.

6. Jurisdiction be, and it is hereby retained by the Commission to determine, if need be, the lawfulness or reasonableness of any particular rate or group of rates resulting from this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 11th day of May, 1956.

mem

APPENDIX A

(Table 1)

SYSTEM INVESTMENT IN PROPERTY USED IN TRANSPORTATION SERVICE (BOOK VALUE LESS RECORDED DEPRECIATION AND AMORTIZATION) AND SYSTEM INCOME ACCOUNT FOR CLASS I RAILROADS SERVING THE STATE OF COLORADO - YEARS 1952 THROUGH 1955.

(Roads Represented: Atchison, Topeka and Santa Fe; Chicago, Burlington and Quincy; Chicago, Rock Island and Pacific; Colorado and Southern; Colorado and Wyoming; Denver and Rio Grande Western; Missouri Pacific, and Union Pacific)

ITEM	1952	1953	1954	1955
<u>Property Investment</u>				
Gross Property Investment	\$5,685,031,269	\$5,836,302,084	\$5,951,288,753	\$5,998,876,046
Accrued Depreciation and Amortization	1,262,764,748	1,283,565,805	1,305,879,570	1,323,521,256
Net Property Investment	4,422,266,521	4,552,736,279	4,645,409,183	4,675,354,790
Net Railway Operating Income	201,580,522	201,298,639	183,234,926	209,482,714
Rate of Return on Net Investment - Per Cent	4.56	4.42	3.94	4.48
<u>Income Account</u>				
Total Operating Revenue	\$1,958,912,659	\$1,972,592,512	\$1,757,232,744	\$1,847,393,479
Freight Revenue	1,630,624,193	1,666,123,434	1,473,097,102	1,564,444,960
Passenger Revenue	154,979,317	140,962,796	124,872,278	121,547,655
All Other Revenue	173,309,149	165,506,282	159,263,364	161,400,864
Total Operating Expenses	1,421,327,078	1,454,476,353	1,326,763,290	1,356,229,636
Operating Ratio - Per Cent	72.56	73.73	75.50	73.41
Railway Tax Accruals	294,802,120	268,841,865	199,062,193	237,802,021
Net Rents - Debit	41,202,939	47,975,655	48,172,335	43,879,108
Total Fixed Charges and Other Deductions	44,158,847	44,338,983	45,017,807	46,339,490
Net Income	216,329,271	222,886,692	201,681,996	223,439,978

(Table 2) AVERAGE STRAIGHT-TIME COMPENSATION PER HOUR CLASS I RAILROADS OPERATING IN THE STATE OF COLORADO, VIZ: Atchison, Topeka and Santa Fe; Chicago, Burlington and Quincy; Chicago, Rock Island and Pacific; Colorado and Southern; Colorado and Wyoming; Denver and Rio Grande Western; Missouri Pacific, and Union Pacific, for years 1952 through 1954.

ITEM	1952	1953	1954
Average Straight-Time Compensation Per Hour	\$1.830	\$1.874	\$1.934
Index (1952 = 100)	100.0	102.40	105.68

(Table 3) ESTIMATED ANNUAL INCREASE IN COMPENSATION TO CLASS I RAILROAD EMPLOYEES IN THE STATE OF COLORADO

Estimated Per Cent Colorado Employees of United States Employees -

Class I Carriers - - - - - 1.16

Estimated Increased Wages in Operating Expense and Payroll Tax

Subsequent to September 30, 1955:

Total United States - - - - - \$462,600,000

State of Colorado - (1.16%) - - - - 5,366,160

(Table 4) INDEX OF WESTERN DISTRICT AVERAGE UNIT PRICES OF RAILWAY MATERIAL AND SUPPLIES, INCLUDING FUEL, JANUARY, 1952, 1953, 1954, 1955 AND 1956.

	Material and Supplies		Fuel		All Material and Supplies	
	Excluding Fuel		(Coal and Oil)			
	Index Number	Ratio	Index Number	Ratio	Index Number	Ratio
January, 1952	125.2	100.0	107.6	100.0	118.2	100.0
January, 1953	126.4	101.0	95.4	88.7	114.0	96.4
January, 1954	130.6	104.3	102.9	95.6	119.4	101.0
January, 1955	132.7	106.0	103.2	95.9	120.8	102.2
January, 1956	142.8	114.1	104.2	96.8	127.5	107.9

(Table 5) ESTIMATED ANNUAL INCREASE IN MATERIAL AND SUPPLY COSTS WITHIN STATE OF COLORADO ON CLASS I RAILROADS

Total Operating Expenses, Year 1954, Class I Line Haul Railroads:

In Western District - - - - - \$3,135,834,629  
 Within the State of Colorado - - - - 81,477,981  
 PER CENT COLORADO of Western District 2.60

Estimated Increase in Material and Supplies Subsequent to September 30, 1955:

In Western District - - - - - \$47,100,000  
 Within State of Colorado (2.6%) - - - - 1,224,600

(Table 6) FREIGHT REVENUE EARNED WITHIN THE STATE OF COLORADO FOR YEARS 1954 AND 1953 WITH THE EX PARTE 196 INCREASE, ALSO INCREASE IN WAGES, PAYROLL TAXES AND MATERIAL AND SUPPLIES.

Year	Freight Revenue		
	Intrastate	Interstate	Total
<u>1954</u>	\$11,179,869	\$73,568,857	\$84,748,726
Per Cent of Increase	5.90%	5.60%	
Amount of Increase	659,612	4,119,856	4,779,468
<u>1953</u>	12,348,510	86,165,714	98,514,224
Per Cent of Increase	5.90%	5.60%	
Amount of Increase	728,562	4,825,280	5,553,842
Increase in Wages and Payroll Taxes Within Colorado - - - - - \$5,366,160 Increase Cost of Material and Supplies in Colorado - - - - - 1,224,600 Total Increase in Colorado - - - - - 6,590,760			

(Table 7)

FREIGHT PERFORMANCE AVERAGES CLASS I RAILROADS  
SERVING THE STATE OF COLORADO - YEARS 1952  
THROUGH 1955

Year	Average Train Speed (M.P.H.)	Freight Ton-Miles Per Train-Hour		Locomotive-Miles Per Active Locomotive Day
		Gross	Net	
1952	21.01	57,967	24,740	153
1953	21.98	61,499	25,755	162
1954	22.51	64,846	26,578	168
1955	22.73	68,167	28,206	181

original

(Decision No. 45795)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN D. AHONEN, 125 MORRIS STREET, )  
MONTE VISTA, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 13652-PP  
SUPPLEMENTAL ORDER

-----  
May 14, 1956  
-----

Appearances: Conour and Conour, Esqs.,  
Del Norte, Colorado,  
for Applicant;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

By Decision No. 44671, dated September 29, 1955,  
John D. Ahonen, of Monte Vista, Colorado, was authorized to  
operate as a Class "B" private carrier by motor vehicle for  
hire, for the transportation of logs and logging equipment,  
from point to point within a radius of fifty miles of South  
Fork, Colorado.

We are now in receipt of a letter from the attorney  
for applicant, seeking to eliminate the words "and logging  
equipment" from the authority, inasmuch as applicant has had  
no requests for the transportation of logging equipment, and  
therefore feels that the filing of a tariff to cover such trans-  
portation is not justified.

The Commission is of the opinion that the Order in  
said decision should be amended to eliminate the words "and  
logging equipment," in accordance with the request of counsel  
for applicant.

F I N D I N G S

THE COMMISSION FINDS:

That said Decision No. 44671 should be amended, as

provided in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 44671, of date September 29, 1955, should be, and hereby is, amended, nunc pro tunc, as of September 29, 1955, by striking the first three words "and logging equipment" from the fourth line of said Order, so that the first paragraph of the Order, as amended, shall read:

"That John D. Ahonen, Monte Vista, 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 South Fork, Colorado."

That, except as herein amended, said Decision No. 44671 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Ralph C. Hord  
Joseph W. Hawley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of May, 1956.

ea

original

(Decision No. 45796)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
SAM ROWE AND MARGARET ROWE, CO- )	
PARTNERS, 1208 ELKO AVENUE, PUEBLO, )	
COLORADO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 14308-PP
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
May 14, 1956  
-----

Appearances: John R. Barry, Esq.,  
Denver, Colorado,  
for applicant;  
R. B. Moyer, Esq.,  
Albuquerque, New  
Mexico, and  
Marion F. Jones, Esq.,  
Denver, Colorado, for  
Wright Motor Lines;  
J. Gordon Bartley, Esq.,  
Pueblo, Colorado, for  
L. L. Richardson, Frank M.  
Caldwell, Ballantyne  
Trucking Company, and  
Wes V. McKaughan;  
John Hanssen, Westcliffe,  
Colorado, for Hanssen  
Truck Line.

S T A T E M E N T

By the Commission:

On February 2, 1956, Sam Rowe and Margaret Rowe, 1208 Elko Avenue, Pueblo, Colorado, a co-partnership, filed their application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of livestock between points within a radius of fifty-five miles of Pueblo, Colorado, and to and from La Junta, Trinidad, and Salida, Colorado.

The matter was regularly set for hearing, and heard, at the City Hall, Pueblo, Colorado, on April 26, 1956, and at the conclusion of the evidence, was taken under advisement.

On April 20, 1956, formal protest was made by Verle E. Williams, doing business under the firm name and style of "Diamond Truck Line," Salida, Colorado, protesting the above application.

Before any evidence was taken at the hearing, applicant asked to amend his application by the following restriction: that he be permitted to use only two 18-foot stake body trucks. There being no objection, the amendment to the application was permitted.

Sam Rowe, one of the applicants, testified in support of the application, stating that he was presently engaged in the business of buying and selling livestock, being a regular attendant at the sales in Pueblo, La Junta, Trinidad, and Salida; that he purchases cattle at the sales and operates an 18-foot stake body truck in hauling cattle from Pueblo to various sales or from the sales to Pueblo; that on numerous occasions he has been requested to haul two or three head of cattle which had been purchased by farmers located in the Pueblo area, and is now asking for that authority. He states he also had numerous requests to haul small loads of cattle from an area within 55 miles of Pueblo, to Pueblo, and the most of his requests come from the Beulah area where the farmers have small herds of livestock and who have not had, according to applicant's testimony, the best of service from the large truckers located in Pueblo.

Applicant had many witnesses who were small livestock raisers in the Pueblo area who testified in support of the application, and we will attempt to briefly review some of the highlights of their testimony.

Russell B. Rose, a livestock raiser whose herd is approximately 600, stated that on many occasions in culling his herd, he desired to ship a few head of cattle to Pueblo; that the number of cattle would not warrant the calling of the larger carriers in Pueblo who operate "semis" and that as applicant herein is a cattle buyer and has purchased some of his cattle in the past, he would like to have applicant's service in making

small deliveries to Pueblo. The witness said it was a kind of "tailor-made" service for certain seasons of the year when he was not making large shipments of cattle.

Dey F. Whelan, who is an official of the Minnequa Bank, stated that applicant purchases cattle in Beulah, and they need the type of service proposed by applicant for the handling of small purchases of cattle made by the bank, and feed to various feed lots located in the Pueblo area. The witness stated they had requested applicant to file the instant application, and if same is granted, would use his service.

Everett Owen stated he raised horses in the Beulah area and needed applicant's service for the transportation of horses to the Fair in Pueblo, and for parades there, and he, also, would use applicant's service if said application is granted.

Clay Hughes, Forest Phelps, small cattlemen who reside near Beulah, and Joseph D. Prescottti, a rancher who lives 8 miles north of Beulah, and Bernice Bergman, also of Beulah, all testified that they, personally, needed a private carrier for the purpose of hauling small loads of cattle; that the service offered by the large carriers who operate large pieces of equipment was not satisfactory, and that the carriers were not anxious to handle their business, while all witnesses stated they did not turn them down and would give service, but it was not very satisfactory service. All stated that if the instant application is granted, they will use the service.

Several protestants appeared and testified, among whom were the following:

Edward B. Rogers, of Wright Motor Lines, with headquarters in Rocky Ford, Colorado, stated his company held a certificate of public convenience and necessity, authorizing service in a major portion of the area asked for in the instant application. He went into considerable detail as to their equipment and loss of livestock business during the past year.

John Ballantyne, of Pueblo, also testified that he had been in the business of transporting cattle for the last eleven years, and had one stake body truck twenty-two feet long; that he would not be able to keep his equipment busy, and his livestock hauling had decreased during the past year.

Mrs. Velma Richardson, wife of Red Richardson, testified that they did not have demand enough for bob-tailed trucks and had sold this type of equipment. However, for small loads, they could lease equipment to take care of this type of service.

Wes V. McKaughan, of Rye, Colorado, testified that he held a certificate of public convenience and necessity, and approximately 50% of his business was the hauling of livestock. This witness went into considerable detail as to the equipment he had available and the service he could offer.

In deciding the above case, we must remember that this is an application for a private carrier permit. It appears that applicant is well qualified by experience, is financially able to buy the necessary equipment, and has had requests from ranchers and livestock growers, to institute a delivery service to Pueblo and to the sale yards located at Salida, Trinidad and La Junta. Further, applicant had some 8 or 10 witnesses who appeared and testified that they needed applicant's proposed service as a private carrier, and that if said application is granted, they would use that service and were willing to pay the rates prescribed by the Commission.

On behalf of protestants, it appears that the livestock business in the Pueblo area has been decreasing for the past twelve months. However, we cannot say from the evidence before us in this matter that the granting of this application would impair common carrier service now serving the area. There is some question in the minds of the Commission that the service offered by the larger carriers is adequate to take care of the needs of the small shippers in the Pueblo district. This, we think, could be corrected by order of the Commission. However, protestants failed

to show that their service would be impaired by the granting of this application and, in our judgment, leaves us with no alternative than to grant the application.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the instant application should be granted, as herein-after restricted, for the reasons 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 Sam Rowe and Margaret Rowe, co-partners, 1208 Elko Avenue, Pueblo, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock between points within a radius of 55 miles of Pueblo, Colorado, and from and to said area to and from the sales yards in La Junta, Trinidad, and Salida, Colorado.

That applicants be restricted in said permit to the operation of two 18-foot stake body trucks.

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

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

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

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

George C. Hobart  
Joseph W. Mackey  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of May, 1956.

ea

original

(Decision No. 45797)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HAROLD A. HAMMOND, 1201 SOUTH )  
LA CROSSE, PUEBLO, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 14305-PP

-----  
May 14, 1956  
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Appearances: Leo S. Altman, Esq.,  
Pueblo, Colorado, for  
Applicant;  
R. D. Moyer, Esq., Albu-  
querque, New Mexico, and  
Marion F. Jones, Esq.,  
Denver, Colorado, for  
Wright Motor Lines;  
J. Gordon Bartley, Esq.,  
Pueblo, Colorado, for  
R. L. Richardson, Frank  
Caldwell, John Ballantyne,  
C. H. Phillips, Red Richardson,  
and Delbert Haynie.

S T A T E M E N T

By the Commission:

On February 27, 1956, Harold A. Hammond, 1201 South LaCrosse, 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 livestock between points within a 5-mile radius of the City of Pueblo; livestock from sales rings at Colorado Springs, La Junta, Salida, Trinidad, and Alamosa, Colorado, to the above-described areas; livestock feed from points and places in Colorado to said 5-mile area, all service to be for one customer, only, viz., the Valley Packing Company, of Pueblo, Colorado.

The above application was regularly set for hearing, and heard, at the Council Chambers in the City Hall, Pueblo, Colorado, on April 26, 1956, at ten o'clock A. M., and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that Harold Hammond, the applicant herein, is presently operating a feed yard and is feeding cattle for the Valley Packing Company of Pueblo. Applicant stated that he has equipment for hauling up to 10 or 12 head of livestock and desires to make deliveries from his feed lot to the Packing Company in Pueblo and also to bring cattle from the sales rings, located in Colorado Springs, La Junta, Salida, Trinidad, and Alamosa to his feed lots or to the Packing Company in Pueblo. Applicant stated that he has had considerable experience in operating trucks and has been requested by the Valley Packing Company to inaugurate this service.

George L. Cliteras, General Manager of the Valley Packing Company, stated he was appearing in support of the application; that he felt that applicant could give to his operation a specialized service that is needed and that all hauling would be done for his company. He stated that he had requested applicant to file the application and if the application is granted would use the applicant's service.

Several protestants appeared at the hearing and vigorously cross-examined both applicant and the Manager of the Valley Packing Company. However, said protestants failed to show in any way that their services would be impaired. This application is a typical private carrier operation, applicant restricting himself to the transportation of livestock and livestock feed, and further restricting his operation stating that he will serve only one customer.

We cannot see from the evidence where an application so restricted would cause much damage to carriers of livestock in the Pueblo area.

Mrs. Richardson, wife of Red Richardson, who holds common carrier authority in Pueblo, enumerated the hauls that her husband had made for the Valley Packing Company. While it

may be possible that the Richardson operation might lose some business, we cannot see that their service to the general public would be impaired.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the instant application 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 Harold A. Hammond, 1201 South LaCrosse, Pueblo, 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 livestock between points within a 5-mile radius of the City of Pueblo; livestock from sales rings at Colorado Springs, La Junta, Salida, Trinidad, and Alamosa, Colorado, to the above-described areas; livestock feed from points and places in Colorado and to said 5-mile area, all service to be for one customer only, viz., the Valley Packing Company, of Pueblo, Colorado.

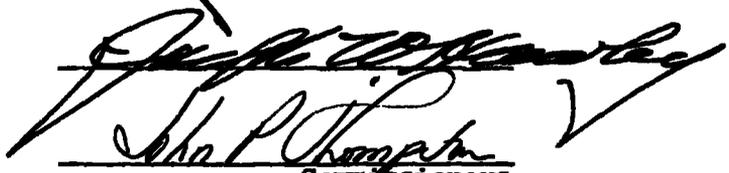
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 14th day of May, 1956.

ea

*original*

(Decision No. 45798)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE ATCHISON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY AND RAILWAY EXPRESS )  
AGENCY, INC., FOR PERMISSION TO )  
CLOSE STATION AT MORLEY, LAS ANIMAS )  
COUNTY, COLORADO, AS AN AGENCY )  
STATION. )  
-----)

APPLICATION NO. 14332.

-----  
May 11, 1956  
-----

S T A T E M E N T

By the Commission:

On April 11, 1956, The Atchison, Topeka and Santa Fe Railway Company, and Railway Express Agency, Inc., by its attorneys, Grant, Shafroth, Toll and McHendrie, filed an application with this Commission requesting authority to close the agency station at Morley, Las Animas County, Colorado, and to discontinue the maintenance of customary station and agency services at that point, effective with the close of business May 12, 1956; business to and from Morley to be handled thereafter on the basis of a prepay station.

Morley, Colorado, is located some eleven miles southerly from Trinidad, Colorado, being also four miles north of the Colorado-New Mexico state line. It is an unincorporated coal mining community which is the location of a coal mine that for many years has been owned and operated by the Colorado Fuel and Iron Company. The Morley Mine was closed, and all mining operations there permanently terminated by the Colorado Fuel and Iron Company on May 4, 1956.

According to the instant application, the principal reason for the maintenance of an agent at the Morley station has been for the exclusive purpose of handling the carload coal shipments originating there; that with the closing of the Morley Mine,

there will no longer be any need for the maintenance of an agency station at Morley. Exhibit A, as attached to the application, is a letter from the Colorado Fuel and Iron Company concerning termination of operation of the Morley Mine on May 4, 1956, and stating that "It will, therefore, be unnecessary to maintain an Agent at Morley, Colorado, for our traffic, after that date."

Applicant proposes that if the Morley station is closed as an agency station, any outgoing shipments may be billed by conductor's waybill or at the applicants' agency station at Trinidad, 11.4 miles north, or at Raton, New Mexico, 11.4 miles south of Morley; and incoming freight shipments may thereafter be sent with freight prepaid as to any non-agency prepay station.

Upon investigation by the Commission, it was determined that other business handled at the Morley station and related expenses during the year of 1955 were as follows:

Freight Received:	19 carloads for Colo. Fuel & Iron Co. 2500 pounds L.C.L. for Colo. Fuel & Iron Co.
Freight Forwarded:	300 pounds L.C.L. from Morley. No passenger business to or from Morley station.
Railway Express:	22 shipments - Revenue \$83.58
Station Expense:	\$4,906.36

Our other inquiries reveal that the Morley Mine has been closed for the reason that all workable coal has been removed.

Approximately 150 miners have been employed at the mine; many of these men have previously moved away from the CF&I "company town" in order to secure homes at Trinidad or Starkville, since it has long been apparent that all reserves of coal were rapidly being removed. In addition to the mine facilities at Morley, there are some 109 homes, a store, club building, church and grade school. Approximately 75% of the homes have been vacant for a long time, and less than 20 families now remain in the town. It is expected that many of the Morley miners will secure employment at the CF&I

Allen Mine west of Trinidad, and about 35 older men will retire on mine union pensions and Social Security. Hence, it is apparent that no resumption of operations is contemplated, and as previously noted, there is no other business than coal shipments.

If the station is closed, applicant cites that the Morley station agent will be transferred to another agency on the Santa Fe line. We are also aware that the Railroad Company has completed the installation of a Central Traffic Control Signal System between Trinidad and Raton, whereby the movement of trains in the Morley area will be centrally controlled by the Chief Dispatcher at Las Vegas, New Mexico. In this manner, safety of train operations is assured, without the use of train orders or other services of an agent or operator at Morley.

In accordance with the Commission's Rules and Regulations Pertaining to Railroads and Express Companies, proper notice to the public of the proposed changes in service was posted on the Bulletin Board in the station at Morley, Colorado, on April 11, 1956. Said changes in service to be the closing of the Morley, Colorado, agency station and the discontinuance of all station and agency facilities and services as offered by The Atchison, Topeka and Santa Fe Railway Company and Railway Express Agency, Inc.

No protests have been received and the files of the Commission do not indicate anyone who desires to be heard in opposition to the granting of the authority sought; therefore, the Commission determined to hear, and has heard, said matter, forthwith, without further notice, upon the records and files herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That exhaustion of workable coal reserves has caused the abandonment of mining operations by Colorado Fuel and Iron Company at its Morley Mine, located in Morley, Las Animas County, Colorado.

That public convenience and necessity no longer require the maintenance of railroad or Railway Express facilities as currently provided at the Morley station of The Atchison, Topeka and Santa Fe Railway Company.

That safe and economical railroad operation can be maintained if the Morley station is closed.

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 Atchison, Topeka and Santa Fe Railway Company, be, and it hereby is, authorized to close and discontinue its agency station at Morley, Las Animas County, Colorado, and to maintain same as a prepay station.

That Railway Express Agency, Inc., be, and it hereby is, authorized to discontinue and withdraw all agency services and facilities at Morley, Las Animas County, Colorado.

That notice shall be given 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 reference shall be made to this decision in the tariff schedules showing the closing of said station as authority for such action.

This Order shall become effective May 12, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1956.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DONALD J. PRETTI, SILT, COLO- )  
RADO. )  
-----

PUC NO. 1238

-----  
May 18, 1956  
-----

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. 1238 be suspended for six months from May 11, 1956.

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 J. Pretti, Silt, Colorado, be, and he is hereby, authorized to suspend his operations Under PUC No. 1238 until November 11, 1956.

That unless said certificate-holder 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

*Ralph C. Horton*  
*John P. ...*  
*...*

Commissioners.

Dated at Denver, Colorado,  
this 18th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
RAMON & AMBROSE RODRIGUEZ, DO-  
ING BUSINESS AS "RODRIGUEZ BROS.,  
GENERAL HAULING," 716 EAST  
SECOND, PUEBLO, COLORADO.

PUC NO. 2748

-----  
May 18, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ramon & Ambrose Rodriguez, doing business as "Rodriguez Bros., General Hauling," Pueblo, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2748 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. 2748, heretofore issued to Ramon & Ambrose Rodriguez, doing business as "Rodriguez Bros. General Hauling," Pueblo, Colorado, be, and the same is hereby, declared cancelled effective May 11, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hinton*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN NARCISIAN, 4349 SHERIDAN )  
BOULEVARD, DENVER, COLORADO. )  
 )  
 )  
 )  
 )  
-----

PERMIT NO. B-2774

-----  
May 18, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

John Narcisian

requesting that Permit No. B-2774 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-2774, heretofore issued to \_\_\_\_\_

John Narcisian

be,

and the same is hereby, declared cancelled effective May 11, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CONSOLIDATED RANWICK URANIUM MINES, )  
LTD., WILSON BUILDING, CORTEZ, )  
COLORADO. )  
----- )

PERMIT NO. M-1132

-----  
May 18, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Consolidated Ranwick Uranium Mines, Ltd.

requesting that Permit No. M-1132 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1132, heretofore issued to \_\_\_\_\_  
Consolidated Ranwick Uranium Mines, Ltd. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 19, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 18th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FORTIER & OLSEN MFG. CO., INC., )  
LA JUNTA, COLORADO. )  
 )  
 )  
 )  
 )  
-----

PERMIT NO. M-2953

-----  
May 18, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Fortier & Olsen Mfg. Co., Inc.

requesting that Permit No. M-2953 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2953, heretofore issued to \_\_\_\_\_

Fortier & Olsen Mfg. Co., Inc. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 14, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hinton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
A. L. SCHAAF, ROUTE I, DURANGO, )  
COLORADO. )

PERMIT NO. M-6069

-----  
May 18, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

A. I. Schaaf

requesting that Permit No. M-6069 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6069, heretofore issued to \_\_\_\_\_

A. I. Schaaf

be,

and the same is hereby, declared cancelled effective April 8, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hinton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 18th day of May, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GLEN WENZL, STOCKTON, KANSAS. )

) PERMIT NO. M-6266  
)  
)  
)  
)

-----  
May 18, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Glen Wenzl

requesting that Permit No. M-6266 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6266, heretofore issued to \_\_\_\_\_

Glen Wenzl

be,

and the same is hereby, declared cancelled effective May 3, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Denton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioner

Dated at Denver, Colorado,

this 18th day of May, 195 6.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LEE ROY KOCH, BOX 172, MILLIKEN, )  
COLORADO. )

PERMIT NO. M-7239

-----

May 18, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Lee Roy Koch

requesting that Permit No. M-7239 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7239, heretofore issued to \_\_\_\_\_

Lee Roy Koch

be,

and the same is hereby, declared cancelled effective April 26, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_

Dated at Denver, Colorado,

this 18th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES L. LIEVERS & ARTHUR YOUCH, )  
DOING BUSINESS AS "JIM & ART'S )  
WRECKING YARD," 2807 EAST 14TH, )  
PUEBLO, COLORADO. )  
-----

PERMIT NO. M-8128

-----  
May 18, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James L. Lievers & Arthur Youch, dba "Jim and Art's Wrecking Yard," requesting that Permit No. M-8128 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8128, heretofore issued to James L. Lievers & Arthur Youch, dba "Jim and Art's Wrecking Yard," be, and the same is hereby, declared cancelled effective May 11, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,  
this 18th day of May, 1956.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RAY MOSHER, STARKVILLE, COLORADO. )

) PERMIT NO. M-8830  
)  
)  
)  
)

-----  
May 18, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Ray Mosher

requesting that Permit No. M-8830 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8830, heretofore issued to \_\_\_\_\_

Ray Mosher

be,

and the same is hereby, declared cancelled effective May 11, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1956.

mls

original

(Decision No. 45810)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
OVERLAND GREYHOUND CORPORATION,  
1730 GLENARM PLACE, DENVER, COLO-  
RADO, FOR AUTHORITY TO ABANDON SER-  
VICE UNDER PUC NO. 394 AND PUC NO.  
394-I, FOR THE TRANSPORTATION OF  
PASSENGERS, BAGGAGE, EXPRESS, MAIL,  
AND NEWSPAPERS, BETWEEN FORT LUPTON,  
COLORADO, DACONO, COLORADO, FRED-  
ERICK, COLORADO, AND FIRESTONE, COLO-  
RADO, AND ALL INTERMEDIATE POINTS.  
-----

APPLICATION NO. 14203  
SUPPLEMENTAL ORDER

-----  
May 15, 1956  
-----

Appearances: Barry and Hupp, Esqs.,  
by John R. Barry,  
Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

By Decision No. 45690, of date April 20, 1956, the Commission granted to applicant herein, Overland Greyhound Corporation, Denver, Colorado, authority to abandon a portion of its authority under PUC No. 394 and PUC No. 394-I, as follows:

"That Overland Greyhound Corporation, Denver, Colorado, should be, and it hereby is, authorized to abandon operations under that portion of PUC No. 394 and PUC No. 394-I, authorizing transportation, as a common carrier by motor vehicle for hire, of passengers, baggage, express, mail, and newspapers, between Fort Lupton, Colorado, Dacono, Colorado, Frederick, Colorado, and Firestone, Colorado, and intermediate points, via Colorado State Highway No. 52 to Dacono; thence via unnumbered road north to Firestone and Frederick, Colorado, as set forth in the preceding Statement, which, by reference is made a part hereof,"

said authority to abandon such service on June 1, 1956.

On May 4, 1956, the Commission received a petition signed by approximately 40 residents of the area, as follows:

"Please be advised that the following under-  
signed wish to protest the decision made by the  
Public Utilities Commission in regard to the  
discontinuance of the bus service between Denver  
and Firestone upon an application made by the  
Overland Greyhound Bus Co., for the reason that  
the community had not been notified of the bus  
company's action, therefore, we did not have  
the opportunity to present our side of the contro-  
versy. The bus service is our only means of trans-  
portation in and out of our community and is vital  
to our school faculty, mail, and workers who use  
the bus frequently. Because of this we ask for a  
rehearing on the case."

The Commission has reviewed the evidence submitted at  
the hearing on said application, and has carefully considered  
Petition for Rehearing filed herein and each and every allegation  
thereof, and is of the opinion that said petition should be grant-  
ed and a rehearing had in the matter, inasmuch as the residents  
of that community were not properly notified of the pending  
abandonment of service.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Petition for Rehearing filed by a group of resi-  
dents of the Frederick, Colorado, area, should be granted, and  
a rehearing had in the matter for the reasons set forth in the  
preceding Statement which, by reference, is made a part hereof,  
said rehearing to be held at some future date convenient to the  
Commission.

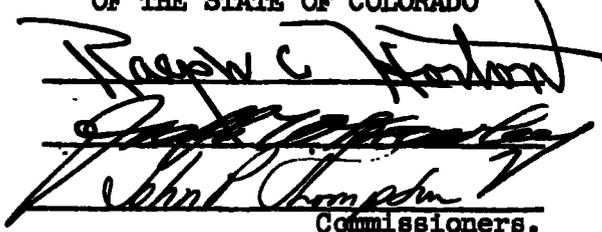
#### O R D E R

##### THE COMMISSION ORDERS:

That Petition for Rehearing filed in the above-entitled  
matter, Application No. 14203, should be, and hereby is, granted,  
and that a rehearing be had at some future date convenient to  
the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of May, 1956.

ea

original

(Decision No. 45811)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MOUNTAIN PARKS ELECTRIC, INC., A )  
CORPORATION, GRANBY, COLORADO, FOR )  
AN ORDER AUTHORIZING THE ISSUANCE )  
OF SECURITIES, AND THE APPLICATION )  
OF THE PROCEEDS THEREFROM TO CER- )  
TAIN LAWFUL PURPOSES. )  
----- )

APPLICATION NO. 14353-Securities

-----  
May 15, 1956  
-----

Appearances: George J. Bailey, Esq.,  
Walden, Colorado,  
for applicant;  
A. L. Mueller, Esq.,  
Denver, Colorado, and  
E. R. Thompson, Denver,  
Colorado, for the  
Commission.

S T A T E M E N T

By the Commission:

By the instant application, Mountain Parks Electric, Inc., asks that this Commission authorize the applicant to execute a note payable to United States of America, in the amount of \$770,000; to ratify all the action heretofore taken by the applicant with respect thereto, authorizing applicant to use the proceeds therefrom for certain lawful purposes.

The matter was set for hearing, after due notice to all interested parties, on May 10, 1956, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and was there heard by the Commission, and taken under advisement.

The applicant is engaged in the business of purchasing, accumulating, and acquiring electric energy, and distributing, selling and furnishing electric energy to its members and non-members in the Counties of Grand, Jackson, and Larimer, in the State of Colorado, and the Counties of Carbon and Albany in

the State of Wyoming.

The principal office of the applicant is located in Granby, Colorado. The Articles of Incorporation, with amendments thereto, are on file with the Commission in Application No. 12429.

The applicant's witness, Mr. Bruce McKenzie, General Manager of the Company, testified that the \$770,000 loan is required for the following purposes:

\$217,000 for construction of transmission facilities;

\$300,000 for additional distribution facilities;

\$ 50,000 for payment of facilities already built and financed from current funds.

\$210,000 for system service improvements and working capital.

Of the total \$770,000, approximately \$745,000 will be expended for facilities and other purposes in Colorado. Of this amount, \$360,000 will be allocated and utilized for capital expenditures within the Company areas previously certificated by this Commission, and will be the basis of the fee for the authorization and approval of this \$770,000 borrowing.

Mr. McKenzie testified further that the extension of the Company's facilities would serve an estimated additional 400 customers throughout the Company's service territory. Also, he stated that out of the total present number of consumers, approximately 2400, about 900 are non-members of the Association.

For the purpose of meeting the financial requirements of applicant stated above, the applicant, as of March 27, 1956, entered into an Amendment to an Amending Loan Contract, being Exhibit No. 1 herein, whereby the United States of America, acting through the Administrator of the Rural Electrification Administration, has agreed to lend, and the applicant has agreed to borrow, the sum of \$770,000. The loan will be evidenced by a mortgage note maturing in thirty-five years, and bearing interest at the rate of two per cent per annum, and is

in the form of the note presented to the Commission as Exhibit No. 3 herein.

The payment of this \$770,000 note, as well as certain notes heretofore made by the applicant and payable to the United States of America, and notes that may be made hereafter payable to the United States of America, not to exceed the total aggregate amount of \$6,000,000 will be secured by a mortgage to the Government, of date March 11, 1952 and by supplemental mortgages secured by all of the property of the applicant, whether then owned or thereafter acquired.

The supplemental mortgage pertaining to this \$770,000 borrowing is Exhibit No. 2 herein, dated April 3, 1956. It summarizes the heretofore duly authorized and executed mortgage notes, including the present \$770,000 one, as follows:

	<u>DATE</u>	<u>PRINCIPAL AMOUNT</u>	<u>FINAL PAYMENT DATE</u>
1.	March 15, 1950	\$162,000	March 15, 1975
2.	March 20, 1950	383,000	March 20, 1985
3.	March 11, 1952	233,000	March 11, 1987
4.	November 1, 1952	67,000	November 1, 1987
5.	August 20, 1953	1,000,000	August 20, 1988
6.	May 1, 1954	625,000	May 1, 1989
7.	March 30, 1956	<u>770,000</u>	March 30, 1991
Total - - - - -		\$3,240,000	

The applicant also introduced recent financial and operating statements, setting forth the Company's financial and operating results for the calendar year 1955, and for the first quarter of 1956, being Exhibits Nos. 5 and 4, respectively. Total operating revenues totaled \$368,938.63 in 1955; total cost of electric service amounted to \$311,836.23, thus leaving an excess of earnings of \$57,102.40 to be transferred to patronage capital. As of March 31, 1956, electric plant less reserves stood at \$2,147,121.91. Annual appropriations to Depreciation Reserve in 1955 was \$55,572.74. As of March 31, 1956, long-term debt was \$2,439,182.84, with matured long-term debt and interest paid up to date.

Under the present application, the applicant seeks approval by this Commission of the borrowing of an additional \$770,000 from the United States of America and the making and execution of documents evidenced by Exhibits Nos. 1, 2 and 3, referred to above; such actions are in the normal course of business of the applicant and should be approved.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That this Commission has jurisdiction of Mountain Parks Electric, Inc., as to the properties and facilities previously certificated by this Commission.

That the Commission is fully advised in the premises.

That the above and foregoing Statement be incorporated as a part of these Findings, by reference.

That the execution by applicant of the Amendment to the Amending Loan Contract, Exhibit No. 1 and of the supplemental mortgage of date April 3, 1956, Exhibit No. 2, should be authorized and approved.

That the issuance of a mortgage note in the amount of \$770,000 in the form of Exhibit No. 3 should be authorized and approved.

That the use of the borrowed funds by applicant for the purposes set forth in the foregoing Statement is legal and proper, and in the public interest.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That the issuance by Mountain Parks Electric, Inc. of a mortgage note to United States of America in the amount of \$770,000, in the form of Exhibit No. 3, be, and the same hereby is authorized and approved.

2. That the issuance by Mountain Parks Electric, Inc. of the Amendment to the Amending Loan Contract, dated March 27, 1956, Exhibit No. 1, be, and the same hereby is authorized and approved.

3. That the issuance by Mountain Parks Electric, Inc. of the Supplemental Mortgage, dated April 3, 1956, as is set forth in Exhibit No. 2, be, and the same is hereby authorized and approved.

4. That the use by Mountain Parks Electric, Inc., of the funds received by it from the loan herein authorized and approved for the purposes set forth in the above Statement, is hereby approved.

5. That Mountain Parks Electric, Inc., be, and it hereby is authorized to do any and all things necessary to carry said purposes into effect.

6. That upon final execution of the Mortgage Note (in the form of Exhibit No. 3), conformed signed copies of said documents, referred to as Exhibits Nos. 1, 2 and 3 above, shall be filed with this Commission within 60 days of said execution.

7. That the authorizations and approvals above given apply only to the portions of the above-described Amending Loan Contract, Mortgage Note and Supplemental Mortgage which have to do with the properties and facilities previously certificated by this Commission.

8. That nothing herein contained shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities on the part of the State of Colorado.

9. That the Commission retains jurisdiction of this proceeding to the end that it may make such further order, or orders, in the premises as to it may seem to be proper or desirable.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION OF THE COLORADO MOTOR )  
CARRIERS' ASSOCIATION, AS AGENT, FOR )  
AND ON BEHALF OF CARRIERS PARTIES TO )  
ITS TARIFF COLORADO P.U.C. NO. 8, )  
JOINTLY WITH BARLOW'S SERVICE, INC., )  
HARLAND R. KENDALL AND DONALD E. )  
KENDALL, DOING BUSINESS AS KENDALL )  
TRANSPORT, M & M OIL & TRANSPORTATION, )  
INC., AND R. B. "DICK" WILSON, INC., )  
FOR AUTHORITY TO PUBLISH A SIX PER )  
CENT INCREASE IN ALL RATES FOR THE )  
TRANSPORTATION OF PETROLEUM AND PETRO- )  
LEUM PRODUCTS, AS DESCRIBED IN ITEM )  
NO. 20 OF THE ABOVE DESIGNATED TARIFF. )  
-----

CASE NO. 1585

-----  
May 14, 1956  
-----

S T A T E M E N T

By the Commission:

On April 30, 1956, there was filed with the Commission a petition requesting authority to publish a 6% increase in all rates for the transportation of petroleum and petroleum products, as described in Item No. 20 of Colorado Motor Carriers' Association's Tariff Colorado P.U.C. No. 8, except on shipments of petroleum and petroleum products from Denver origin points to destinations in Denver.

This petition is designated as C.M.C.A. Application No. 83, Barlow's Service, Inc., Application No. 1, Kendall Transport Application No. 1, M & M Oil & Transportation, Inc., Application No. 1, and R. B. "Dick" Wilson, Inc., Application No. 2, and was filed by The Colorado Motor Carriers' Association, as Agent, for and on behalf of carriers parties to its tariff Colorado P.U.C. No. 8, jointly with Barlow's Service, Inc., Harland R. Kendall and Donald E. Kendall, doing business as Kendall Transport, M & M Oil & Transportation, Inc., and R. B. "Dick" Wilson, Inc.

In support of the request the petition in substance states:

That the continuing rise in the cost of all of the items and services utilized by the for-hire motor vehicle carriers in the conduct of their businesses makes it imperative that they receive additional revenue if they are to continue to render the prompt, efficient and reliable transportation service to which the shipping public has become accustomed.

That the motor vehicle carriers have effected all economies possible in the conduct of their operations and that they are still unable to realize a fair profit for their efforts.

That a substantial number of motor vehicle carriers, representing a cross section of the industry, will appear at time of hearing to present evidence and testimony in support of this application.

That in order that the motor vehicle carriers may not be unduly delayed in securing the additional revenue necessary for their survival, your petitioners respectfully pray that this Honorable Commission set this matter for public hearing at the earliest date possible.

#### F I N D I N G S

THE COMMISSION FINDS, That:

Case No. 1585 should be reopened for further hearing in order that the issues involved herein may be given a full and complete public hearing; that the matter should be assigned for hearing beginning June 5, 1956, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 A.M.

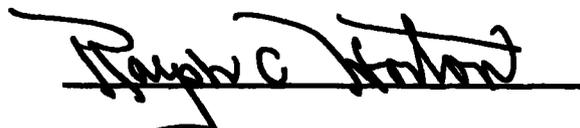
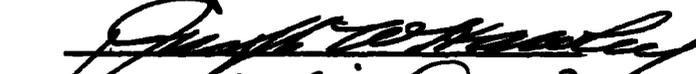
#### O R D E R

THE COMMISSION ORDERS, That:

Case No. 1585 be and the same is hereby reopened for further hearing before the Commission beginning June 5, 1956, at 10:00 o'clock A.M., in the hearing room of the Commission, 330 State Office Building,

Denver, Colorado, for the taking of evidence relative to the matters and things set forth in the statement, which statement is made a part of this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 14th day of May, 1956.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PRESCRIPTION OF RATES ON PETROLEUM )  
AND PETROLEUM PRODUCTS, IN BULK, IN )  
TANK TRUCKS, FROM, TO, AND BETWEEN )  
POINTS IN MOUNTAIN TERRITORY IN INTRA- )  
STATE TRAFFIC IN THE STATE OF COLORADO.)  
-----

CASE NO. 1585

-----  
May 15, 1956  
-----

S T A T E M E N T

By the Commission:

In Decision No. 44247, dated May 12, 1955, the Commission prescribed 429 miles at a rate of 4.626 cents per gallon between Denver and Uravan, Colorado, on petroleum and petroleum products. On April 24, 1956, R. B. "Dick" Wilson, Inc., filed a new schedule to be effective May 25, 1956, in its Motor Freight Tariff No. C-3, Colorado P.U.C. No. 3, showing a distance of 409 miles at a rate of 4.248 cents per gallon. On checking the mileage over the specified route, the correct distance is 403 miles and is being changed to reflect this mileage at the rate of 4.248. This amounts to a reduction and a benefit to the shippers.

F I N D I N G S

THE COMMISSION FINDS:

That the changes in the statement should be made and become effective May 25, 1956.

O R D E R

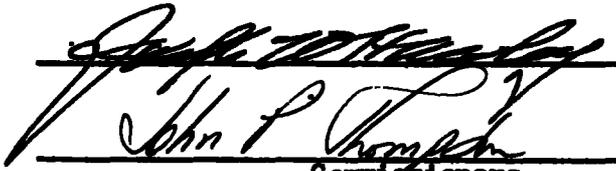
THE COMMISSION ORDERS:

That Decision No. 44247 in Case No. 1585, dated May 12, 1955, be and the same is hereby amended to be effective May 25, 1956, Page A3, Appendix A -

AND BETWEEN	DENVER, COLORADO		
	DISTANCE	RATE	ROUTE
URAVAN	403	4.248	151

In all other respects the said decision and order shall remain in force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners

CHAIRMAN HORTON ABSENT.

Dated at Denver, Colorado,  
this 15th day of May, 1956.

mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION )  
OF SOUTHERN UNION GAS COMPANY, )  
BURT BUILDING, DALLAS, TEXAS, FOR )  
AUTHORITY TO ISSUE CERTAIN SECURITIES. )  
----- )

APPLICATION NO. 14418-Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed May 14, 1956, by Southern Union Gas Company, a Corporation in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on May 25, 1956, at 9:30 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before May 21, 1956, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners, in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hinton*  
*Paul C. Newley*  
*John P. Thompson*  
Commissioners

Dated at Denver, Colorado,  
this 15th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BEHLEN MANUFACTURING CO., INC., )  
COLUMBUS, NEBRASKA. )

PERMIT NO. M-8486

-----  
May 18, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Behlen Manufacturing Co., Inc.

requesting that Permit No. M-8486 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8486, heretofore issued to \_\_\_\_\_

Behlen Manufacturing Co., Inc. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective May 15, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 18th day of May, 1956.

mls

original

(Decision No. 45816)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF INCREASED )  
FREIGHT RATES AND CHARGES )  
WITHIN COLORADO - 1956. )  
-----

APPLICATION NO. 14093  
I.C.C. Ex Parte No. 196  
SUPPLEMENTAL ORDER

-----  
May 21, 1956  
-----

- Appearances:
- T. A. White, Esq., Denver, Colorado, and
  - J. G. Simpson, Denver, Colorado, for Denver & Rio Grande Western Railroad Company;
  - E. G. Knowles, Esq., Denver, Colorado, and
  - John J. Burchell, Esq., Omaha, Nebraska, for Union Pacific Railroad Company;
  - Douglas McHendrie, Esq., Denver, Colorado, and
  - M. C. Richardson, Topeka, Kansas, for Atchison, Topeka & Santa Fe Railway Company;
  - J. W. Preston, Esq., Pueblo, Colorado, for Missouri Pacific Railroad Company;
  - David A. Rainey, Denver, Colorado, and
  - L. W. Glover, Denver, Colorado, for The Colorado & Southern Railway Company;
  - Waldo A. Gillette, Los Angeles, California, for Monolith Portland Midwest Company;
  - Joseph T. Enright, Esq., Los Angeles, California;
  - T. C. Taylor, Denver, Colorado, for Ideal Cement Company;
  - Frank J. Rebhan, Denver, Colorado, and
  - Dorsey O. Ruthrauff, Denver, Colorado, for American Crystal Sugar Company;
  - Don McCarl, Denver, Colorado, for Colorado Potato Growers Exchange;
  - J. R. Copeland, Colorado Springs, Colorado, for Holly Sugar Corporation;

Wm. DeBoer, Denver, Colorado,  
for Colorado Fuel & Iron  
Corporation;  
O. F. Bridwell, Denver, Colo-  
rado, for Northern Colo-  
rado Coals, Inc.;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commis-  
sion.

S T A T E M E N T

By the Commission:

On April 26, 1956, a document entitled "Petition and Request to Intervene" was filed in this matter by Robert D. Means, Attorney for the Tank Truck Carriers Conference of the Colorado Motor Carriers Association.

By Decision No. 45746, dated May 4, 1956, said "Petition and Request to Intervene" was denied.

On May 14, 1956, "Petition for Rehearing" of the "Petition and Request to Intervene" was filed by Robert D. Means, Attorney for the Tank Truck Carriers Conference of the Colorado Motor Carriers Association.

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

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is, by reference, incorporated herein.

That said "Petition for Rehearing" should be denied.

O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing" be, and it is hereby denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hobart  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARCHIE LEVY, DOING BUSINESS AS )  
"LEVY'S TRANSFER & STORAGE CO.," )  
508 KANSAS AVENUE, WALSENBURG, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC )  
NO. 570 TO ANNA GASPERETTI, DOING )  
BUSINESS AS "CITY STORAGE AND TRANS- )  
FER," P. O. BOX 333, WALSENBURG, )  
COLORADO. )

APPLICATION NO. 14341-Transfer  
SUPPLEMENTAL ORDER

-----  
May 21, 1956  
-----

Appearances: Marion F. Jones, Esq.,  
Denver, Colorado, and  
R. D. Moyer, Esq., Albu-  
querque, New Mexico,  
for Transferor;  
Barry and Hupp, Esqs.,  
Denver, Colorado, for  
Transferee.

S T A T E M E N T

By the Commission:

By Decision No. 45738, dated May 7, 1956, the Commission entered an order authorizing the transfer of operating rights under PUC No. 570 from Archie Levy, doing business as "Levy's Transfer & Storage Co.," Walsenburg, Colorado, to Anna Gasperetti, Walsenburg, Colorado.

It now appears that through error the entire authority to be transferred was not fully set forth in the Statement of said decision, and it was the intent of Transferor, as well as the Commission, to transfer all of the authority under said certificate, and said order of transfer should be amended to correctly state the authority to be transferred. It further appears that transferee wishes to do business under the name of "City Storage and Transfer," and the record should be amended accordingly.

## F I N D I N G S

### THE COMMISSION FINDS:

That Decision No. 45738 should be amended, as provided in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That Decision No. 45738, of date May 7, 1956, should be, and the same is hereby, amended, nunc pro tunc, as of said 7th day of May, 1956, by striking the authority set forth in the Statement thereof, and inserting in lieu thereof the following, so that the authority transferred under PUC No. 570, from Archie Levy, doing business as "Levy's Transfer & Storage Co.," Walsenburg, Colorado, to Anna Gasperetti, doing business as "City Storage and Transfer," P. O. Box 333, Walsenburg, Colorado, by said Order, as amended, shall read:

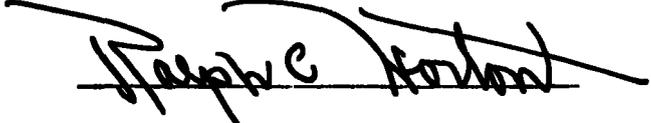
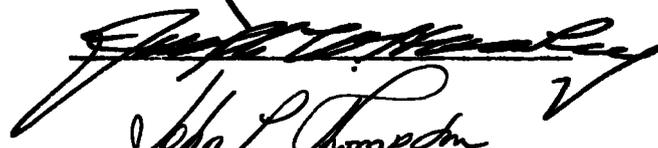
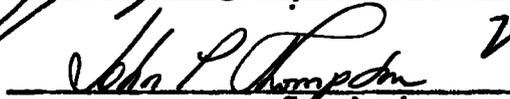
Transportation of freight and household goods between Walsenburg and points in Colorado as an irregular carrier, subject to the following conditions: (a) for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by scheduled carriers; (b) the applicant shall not operate on schedule between any points; (c) the applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Walsenburg for the purpose of developing business; and (d) the applicant shall within twenty days from the date hereof furnish to the auditing department of the Commission a verified statement showing all freight transported by him as a common carrier since June 28, 1930, and shall pay the proper road tax found to be due thereon.

Transportation on call and demand of freight (including household goods and excepting livestock) between points in Huerfano County, and from and to points in said County on the one hand, and, on the other, to and from points in the State of Colorado, 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, applicant shall charge rates which, in all cases, shall be at least twenty per cent in excess of those charged by carriers operating on schedule; (b) applicant shall not operate on schedule between any points; (c) applicant 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 Walsenburg for the purpose of developing business; (d) jurisdiction in this matter should be, and the same hereby is, retained to the end that if and when occasion may arise, appropriate orders may be made herein to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers, and at the same time to allow the applicant reasonable latitude in the carrying on of his business as it may develop in the future.

That, except as herein amended, said Decision No. 45738 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of May, 1956.

mls

original

(Decision No. 45818)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY OF COLORADO,  
900 - 15TH STREET, DENVER, COLORADO,  
FOR AN ORDER GRANTING TO IT A CERTIF-  
ICATE OF PUBLIC CONVENIENCE AND NE-  
CESSITY TO CONSTRUCT CERTAIN NATURAL  
GAS DISTRIBUTION FACILITIES, TO MAKE  
EXTENSIONS THEREOF AND TO PURCHASE,  
DISTRIBUTE AND SELL NATURAL GAS TO  
CUSTOMERS ADJACENT TO SAID FACILITIES  
AND EXTENSIONS THEREOF IN AN AREA  
WEST AND NORTHWEST OF AND ADJACENT  
TO THE CITY OF FORT MORGAN, MORGAN  
COUNTY, COLORADO; AND TO CONSTRUCT  
CERTAIN NATURAL GAS DISTRIBUTION  
FACILITIES TO THE ADENA SCHOOL IN THE  
SOUTHWEST QUARTER (SW $\frac{1}{4}$ ) OF THE SOUTH-  
EAST QUARTER (SE $\frac{1}{4}$ ) OF SECTION 19,  
TOWNSHIP 2 NORTH, RANGE 57 WEST,  
MORGAN COUNTY, COLORADO, AND TO PUR-  
CHASE, DISTRIBUTE AND SELL NATURAL  
GAS TO SAID SCHOOL.

APPLICATION NO. 13855-Amended

FARM PIPE LINE, INC.,  
a corporation,

vs.

NATURAL GAS PRODUCERS, INC.,  
a corporation.

CASE NO. 5117

-----  
May 22, 1956  
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Appearances: Lee, Bryans, Kelly & Stansfield,  
Esqs., by Ralph Sargent, Jr., Esq.,  
Denver, Colorado, for Public  
Service Company of Colorado;  
L. M. Poe, Esq., Colorado Springs,  
Colorado, for Natural Gas  
Producers, Inc.;  
Akolt, Turnquist, Shepherd & Dick,  
Esqs., by Robert A. Dick, Esq.,  
Denver, Colorado, for Farm  
Pipe Line, Inc.;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

Public Service Company of Colorado (hereinafter referred to as "Public Service"), on November 9, 1955, filed its application in Application No. 13855, wherein Public Service sought to have the Commission grant to it a certificate of public convenience and necessity to construct certain natural gas distribution facilities near the City of Fort Morgan, Morgan County, Colorado, and to purchase, distribute and sell natural gas to customers adjacent to said facilities, and to construct certain other natural gas distribution facilities to the Adena School in SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 19, Township 2-North, Range 57-West, Morgan County, Colorado, and to purchase, distribute and sell natural gas to said school. Said application was heard by the Commission on November 21, 1955, and then taken under advisement.

On December 6, 1955, Farm Pipe Line, Inc. (hereinafter referred to as "Farm Pipe"), filed with the Commission its complaint against Natural Gas Producers, Inc. (hereinafter referred to as "Natural Gas Producers"), in Case No. 5117, wherein an order of the Commission is sought authorizing and directing Natural Gas Producers to sell natural gas to Farm Pipe at a tap on Natural Gas Producers' transmission line at a point approximately one-half mile west of the City of Fort Morgan for use by Farm Pipe at its plant located approximately two and one-half miles west of said City. As set forth in said complaint, Farm Pipe proposes to construct a lateral line from its plant to said point on the transmission line of Natural Gas Producers, a distance of approximately two miles, in order to utilize said natural gas.

On January 9, 1956, Public Service filed its amended application in Application No. 13855 - Amended. By said amended application, Public Service sought to have the Commission re-open the matter of its application in Application

No. 13855, and to have the Commission consider its amended application wherein Public Service seeks an order of the Commission granting to it a certificate of public convenience and necessity to construct certain natural gas distribution facilities, to make extensions thereof, and to purchase, distribute and sell natural gas to customers adjacent thereto in an area west and northwest of and adjacent to the City of Fort Morgan, more particularly described hereinafter, and to construct certain natural gas distribution facilities to the Adena School as originally applied for and to purchase, distribute and sell natural gas to said school. The area west and northwest of the City of Fort Morgan in which Public Service by its amended application seeks authority to construct its natural gas distribution facilities and make extensions thereof is more particularly described as follows:

Beginning at the S 1/4 corner of Section 36, T<sup>4</sup>N, R58W, 6th P. M.; thence north along the north-south center-line of said Section 36 to an intersection with the center-line of the South Platte River; thence northwesterly along the center-line of the South Platte River to an intersection with the north-south center-line of Section 26; thence south to a point on the north-south center-line of Section 2, T<sup>3</sup>N, R58W and 660 feet north of the center-line of United States Highway Numbers 6 and 34; thence west parallel and contiguous to the center-line of said Highway to a point on the west boundary of Section 3; thence south along said west boundary of Section 3 to a point 660 feet south of center-line of United States Highway Numbers 6 and 34; thence east parallel and contiguous to the center-line of said Highway to a point on the Natural Gas Producers Transmission Pipeline, said Pipeline being approximately 1662 feet east of the west boundary of Section 1; thence north along the Natural Gas Producers Transmission Pipeline to an intersection with the south boundary of Section 36, T<sup>4</sup>N, R58W; thence east to the point of beginning.

All of the above described territory lies in Morgan County of the State of Colorado and in T<sup>3&4</sup>N, R58W of the Sixth Principal Meridian.

Said area includes certain residential subdivisions located north of the Weldona Road northwest of the City of Fort Morgan and an area running due west along U. S. Highways 6 and 34,

approximately two miles from the transmission line of Natural Gas Producers, in which area is located the plant of Farm Pipe.

At the same time it filed its amended application in Application No. 13855-Amended, Public Service filed a petition in intervention in Case No. 5117. In said petition Public Service requests the Commission to dismiss the complaint of Farm Pipe against Natural Gas Producers and asserts its right to serve Farm Pipe with its natural gas requirements in said area. Natural Gas Producers in its response to the complaint of Farm Pipe neither protests nor consents to the granting of the order sought by said complaint, but requests the Commission to issue such order as it deems will most adequately serve the public convenience and necessity.

Said matters were set for hearing with proper notice and were heard by the Commission on a consolidated record on January 26, 1956, at ten o'clock A. M., at 330 State Office Building, Denver, Colorado, and then taken under advisement.

At the hearing in said matters, evidence was presented by Public Service in support of its amended application and its petition in intervention and by Farm Pipe in support of its complaint. Natural Gas Producers appeared at said hearing and presented a statement to the Commission of its position with respect thereto.

Public Service is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of the Commission, engaged principally in the generation, purchase, transmission and sale of electric energy and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. A certified copy of the Composite Certificate of Incorporation of Public Service, together with all amendments thereto, has heretofore been filed with the Commission.

Public Service is presently engaged in the distribution and sale of natural gas and in the distribution of electric energy in and about the City of Brush, Morgan County, Colorado, and is presently supplying electric service to a portion of the customers near the City of Fort Morgan, sought to be served with natural gas by its amended application herein.

Public Service proposes to render natural gas service as proposed by its amended application in the area west and northwest of the City of Fort Morgan and to the Adena School under the terms and conditions set forth in its Natural Gas Service Connection and Main Extension Policy as filed with the Commission. Public Service proposes to construct initially in said area west and northwest of the City of Fort Morgan, approximately 8,700 feet of 2-inch main to extend generally in a northwesterly direction from a regulator station to be installed at a point near the northwest corner of the city limits of Fort Morgan at the point of crossing of the transmission line of Natural Gas Producers and the Weldona Road to serve customers adjacent to said facilities and in two residential subdivisions, known as the Log Lane Village Subdivision and the C. M. Boyd Subdivision, located north of the Weldona Road near said City in Sections 35 and 36, Township 4-North, Range 65-West. Mr. R. D. Speer, Rate Engineer for Public Service, testified that there are approximately 100 customers in said subdivision areas who are now interested and desire natural gas service.

In order to serve said Adena School, Public Service proposes to construct approximately 4,100 feet of 1- $\frac{1}{4}$  inch main to extend from a pipeline tap to be installed at a point along the natural gas transmission line of Natural Gas Producers and to run due east to said school located as hereinabove described. Public Service will also install a regulator station and the necessary metering equipment to supply said service.

Mr. Speer testified that Public Service, subsequent to the filing of its original application in Application No. 13855, has received requests for natural gas service from 24 persons residing or doing business along U. S. Highway 6 and 34 within approximately two miles west of the transmission line of Natural Gas Producers. The plant of Farm Pipe is located some 10,300 feet west of said transmission line on U. S. Highway 6 and 34. To serve natural gas to customers along said Highway, including Farm Pipe, Public Service would make an additional tap on the transmission line of Natural Gas Producers at the point of crossing of said transmission line and U. S. Highway 6 and 34 west of the City of Fort Morgan and run a distribution main approximately two miles west along said highway.

Public Service proposes to supply service as hereinabove set forth at the same rates as are presently in effect in the City of Brush and in the fringe area adjacent to said City, except that Public Service proposes to include a surcharge in the rates now effective in the City of Brush as to service to the Adena School to recoup certain additional operating expense in connection with the operation of special equipment in its regulator station necessary for such sale. This surcharge will not affect the cost of gas to the Adena School unless the annual revenue from the school is less than \$500. Mr. Speer testified that the estimated annual revenues from such sale are approximately \$550. Such surcharge is consistent with the practice of Public Service with respect to sales under similar conditions in other areas.

Public Service proposes to purchase natural gas to render natural gas service as proposed from Natural Gas Producers. Natural Gas Producers has agreed, subject to the granting by the Commission, of the authority applied for by Public Service to sell natural gas to Public Service for the

initial service proposed and to construct and install the necessary pipeline taps, pressure regulating and metering facilities necessary to so do. Such service will be supplied to Public Service upon the same general terms as those presently provided in a contract between the parties for the purchase of natural gas for the City of Brush and environs. The latter contract is on file with this Commission as a part of Colorado PUC No. 2 of Natural Gas Producers.

Natural Gas Producers presently operates a natural gas transmission pipeline extending to the City of Fort Morgan from various gas fields in Morgan County and the surrounding counties. Natural Gas Producers stated at the hearing that it has an adequate supply of gas to take care of the additional load requirements and that it stands ready to serve Public Service or Farm Pipe as may be authorized by the Commission in this proceeding. This Commission has heretofore granted to Natural Gas Producers a certificate of public convenience and necessity to construct, install, maintain and operate a natural gas gathering and transmission system in the Counties of Morgan and Logan, Colorado for the delivery and sale of natural gas therein.

By stipulation of the parties hereto, a late-filed exhibit, marked Exhibit "A" was received by the Commission as a part of the record in this matter. Said exhibit was submitted by Natural Gas Producers for the purpose of showing total gas reserves now available to it for delivery to the Fort Morgan-Brush area. This exhibit shows that as of January 1, 1956, based on estimated future market requirements and present gas reserves, there is seventeen years supply of gas available. Natural Gas Producers is a wholly-owned subsidiary of Colorado Interstate Gas Company, and the parent company is of record before this Commission that the

Company policy has been to make every effort to supply its customers' requirements. Colorado Interstate has assured this Commission that this policy would also apply to Natural Gas Producers and that if at some later date Natural Gas Producers would require gas from Colorado Interstate to supply its customers, Colorado Interstate would make every effort, subject to Federal Power Commission authorization, to make such gas available to it.

Mr. Andy Holt, Manager of Farm Pipe, testified at the hearing in these matters that Farm Pipe operates a concrete pipe manufacturing plant located approximately two and one-half miles west of Fort Morgan on Highway 6 and 34. He further testified that in August of 1955 Farm Pipe had contacted Natural Gas Producers with regard to the availability of natural gas and was advised that such gas was available. He testified that on the basis of this advice Farm Pipe proceeded to construct their plant at its present location, construction of the plant being completed in December, 1955. The plant was placed in operation in January, 1956. Mr. Holt estimated that the average monthly load of the plant would be approximately 1 million cubic feet of natural gas. Mr. Holt also testified that he had contacted Public Service in September of 1955 as to the availability of natural gas from that Company. He was advised that natural gas service was also available from Public Service. According to the testimony of Mr. Holt, Farm Pipe also contacted the City of Fort Morgan which operates a municipal natural gas distribution system within the city limits of Fort Morgan, but was advised that the City did not desire to extend gas service beyond the metropolitan area immediately surrounding the City of Fort Morgan. Mr. Glen Morgan, Assistant Superintendent and City Clerk of the City of Fort Morgan, appeared as a witness in this proceeding and his testimony corroborated the testimony of Mr. Holt.

There was considerable testimony presented in the record as to the various terms of natural gas service offered by Public Service and Natural Gas Producers to Farm Pipe. The Commission does not deem a recitation of such testimony necessary here. Suffice it to say that if the Commission directs Natural Gas Producers to make the sale to Farm Pipe, the rate available for such service is the same rate at which natural gas is supplied by Natural Gas Producers to Public Service for resale. Public Service cannot offer this gas to Farm Pipe at the same rate that it pays for such gas and consequently Public Service's rate to Farm Pipe is somewhat higher than that of Natural Gas Producers. The record in this matter shows, however, that Public Service offered to make gas available to Farm Pipe on an interruptible industrial basis, which rate is significantly lower than that offered to commercial customers in the same area on a firm basis. Public Service does not presently have on file with the Commission an interruptible industrial rate applicable to service within such area but proposes to file such rate before rendering such service. Farm Pipe was apparently not satisfied with the construction deposit required for such service from Public Service, although there is nothing in this record to indicate that this construction deposit was unreasonable or discriminatory as against Farm Pipe. Farm Pipe has chosen to file a complaint with this Commission seeking an order directing Natural Gas Producers to render service to Farm Pipe. Farm Pipe proposes to construct a lateral line, at its own expense, from its plant to a point connecting with transmission line of Natural Gas Producers, at which point Farm Pipe would tap the transmission line of Natural Gas Producers. This lateral line would be used by Farm Pipe solely for its own purposes and it would not serve prospective customers along the route of the line on U. S. Highway 6 and 34 from said line. Mr. Speer of Public Service testified that if the Commission

directs Natural Gas Producers to serve Farm Pipe, this would in effect deprive the other prospective customers along the Highway of natural gas service, because without the load of Farm Pipe or a similar load on the Public Service line, there would be insufficient load on the line to support the construction of such line by Public Service without placing an undue burden on such other customers until such time as considerably greater load developed in the vicinity. Natural Gas Producers is apparently reluctant to sell natural gas to Farm Pipe without an order of the Commission directing it to do so as may be required by public convenience and necessity.

After careful review of the testimony presented and the record before the Commission in this matter, the Commission is of the opinion that public convenience and necessity would not be served by this Commission's directing Natural Gas Producers to serve Farm Pipe. This Commission is well aware that Natural Gas Producers does make occasional main line sales directly to the ultimate consumer off of its transmission line, and in some instances these sales are made in the natural service area of the distribution company to which Natural Gas Producers is supplying all of the natural gas requirements of the distribution company for resale. The Commission recognizes that there are circumstances where such sales by Natural Gas Producers may very well be justified as in the public interest. But that is not the situation presented to the Commission in this matter as we see it. The Commission is of the opinion that the plant of Farm Pipe lies within the natural service area of Public Service beyond the City of Fort Morgan and that if natural gas service is sought by Farm Pipe it should obtain such service from Public Service and not Natural Gas Producers. The Commission is of the opinion that the certificate of public convenience and necessity sought by Public Service should be granted, and the

complaint of Farm Pipe against Natural Gas Producers should be dismissed. If Farm Pipe is of the opinion that any rates, rules or regulations of Public Service, or its Line Extension Policy is unreasonable or discriminatory, it has full recourse before this Commission under the Public Utilities Law, and can be heard.

Public Service estimates that its initial capital investment to extend natural gas service in the area west and northwest of the City of Fort Morgan and to the Adena School will be \$17,000 and that its investment in the area in the future may amount to as much as \$60,000. The figure of \$60,000 will be used as the basis for the fee for the issuance of the certificate sought by Public Service herein, but will not be binding on the Commission in any subsequent investigation where valuation may be an issue.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of the subject matter of the amended application of Public Service and of said company.

That the Commission has jurisdiction of the subject matter of the complaint of Farm Pipe against Natural Gas Producers and of Natural Gas Producers.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That public convenience and necessity do not require the sale by Natural Gas Producers of natural gas to Farm Pipe as sought by the complaint of Farm Pipe against Natural Gas Producers, that such sale would not be in the public interest, and that said complaint should be dismissed, and the order therein sought denied.

That public convenience and necessity require and will require the construction by Public Service of said natural gas distribution facilities and extensions thereof, and the purchase, distribution and sale by Public Service of natural gas to customers adjacent to said facilities and extensions thereof in said area west and northwest of and adjacent to the City of Fort Morgan and the construction by Public Service of said natural gas distribution facilities to the Adena School and the purchase, distribution and sale of natural gas by Public Service to said school as set forth hereinabove.

That Public Service Company should odorize all gas in its distribution system prior to sale to customers on its gas distribution system.

#### O R D E R

##### THE COMMISSION ORDERS:

That the complaint of Farm Pipe against Natural Gas Producers in this matter be, and the same is hereby dismissed, and the Order therein sought be, and the same is hereby denied;

That the public convenience and necessity require, and will require, the construction by Public Service of said natural gas distribution facilities, and extensions thereof, and the purchase, distribution and sale by Public Service of natural gas to customers adjacent to said facilities and extensions thereof in the following described area west and northwest of and adjacent to the City of Fort Morgan:

Beginning at the S 1/4 corner of Section 36, T4N, R58W, 6th P. M.; thence north along the north-south center-line of said Section 36 to an intersection with the center-line of the South Platte River; thence northwesterly along the center-line of the South Platte River to an intersection with the north-south center-line of Section 26; thence south to a point on the north-south center-line of Section 2, T3N, R58W and 660 feet north of the center-line of United States Highway Numbers 6 and 34; thence west parallel and contiguous to the center-line of said highway to a point on the west boundary of Section 3;

thence south along said west boundary of Section 3 to a point 660 feet south of center-line of United States Highway Numbers 6 and 34; thence east parallel and contiguous to the center-line of said Highway to a point on the Natural Gas Producers Transmission Pipeline, said Pipeline being approximately 1662 feet east of the west boundary of Section 1; thence north along the Natural Gas Producers Transmission Pipeline to an intersection with the south boundary of Section 36, T<sup>4</sup>N, R58W; thence east to the point of beginning.

All of the above described territory lies in Morgan County of the State of Colorado and in T3&4N, R58W of the Sixth Principal Meridian,

and the construction by Public Service of said natural gas distribution facilities to the Adena School in the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 19, Township 2-North, Range 57-West, Morgan County, Colorado, and the purchase, distribution and sale by Public Service of natural gas to said school, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor;

That Public Service shall, within at least 30 days before any natural gas is sold to its customers, file with the Commission its rate schedules, rules and regulations under which it proposes to operate;

That Public Service shall commence construction of its natural gas distribution facilities in said area and to the Adena School within six (6) months from the date hereof, or this certificate shall become null and void;

That Public Service shall promptly advise the Commission in writing of the date of commencement of construction of said facilities, and the date of the completion thereof.

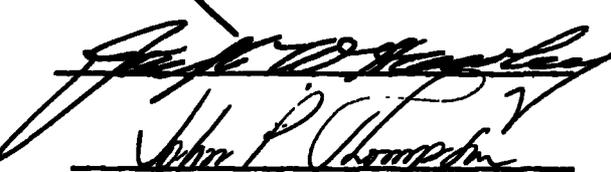
That Public Service shall install, operate and maintain its natural gas distribution facilities and supply service as herein set forth in accordance with the rules and regulations of this Commission;

That applicant shall odorize all gas in its distribution system prior to sale to customers on its gas distribution system.

That the Commission shall retain jurisdiction of the instant matter to the end that it may make such further order or orders in the premises as may be deemed proper; and

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 22nd day of May, 1956.

ea

original

(Decision No. 45819)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
NATURAL GAS PRODUCERS, INC., P. O.  
BOX 1087, COLORADO SPRINGS, COLO-  
RADO, FOR A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY TO CON-  
STRUCT, INSTALL, MAINTAIN, AND  
OPERATE A NATURAL GAS TRANSMISSION  
SYSTEM TO FURNISH NATURAL GAS FOR  
ULTIMATE DISTRIBUTION IN THE TOWN  
OF DEERTRAIL, COLORADO, AND IN THE  
AREAS ADJACENT THERETO.  
-----)

APPLICATION NO. 14256

-----  
May 22, 1956  
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Appearances: John A. Phillips, Esq.,  
Colorado Springs,  
Colorado, for applicant;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On March 21, 1956, Mr. J. T. Roetzel, Vice-President  
of Natural Gas Producers, Inc., filed an application with this  
Commission for a certificate of public convenience and necessity  
to construct, install, maintain and operate a natural gas trans-  
mission system to furnish natural gas for ultimate distribution  
in the Town of Deertrail, Arapahoe County, Colorado, and in  
the areas adjacent thereto.

The matter was set for hearing, after due notice to  
all interested parties, on Wednesday, April 18, 1956, at ten  
o'clock A. M., in the Hearing Room of the Commission, 330  
State Office Building, Denver, Colorado, and was there heard  
by the Commission and taken under advisement.

Applicant is a Colorado corporation, duly organized  
and existing under and by virtue of the laws of the State of

Colorado, and as such is doing business within the State of Colorado. A certified copy of the Certificate of Incorporation of Applicant has heretofore been filed with the Commission in Application No. 11228.

Applicant at the present time holds certificates of public convenience and necessity from this Commission under Application Nos. 11228, 11713, 12210, and 13216. Under the above certificates, Applicant is presently rendering gas service as a public utility. The principal office of Applicant is in Colorado Springs, Colorado, and its mailing address is Post Office Box 1087, Colorado Springs, Colorado.

Natural Gas Producers, Inc. is a wholly-owned subsidiary of Colorado Interstate Gas Company, which maintains its principal office in Colorado Springs, Colorado.

Applicant at the present time is supplying gas at wholesale to the Iowa Electric Light and Power Company for distribution within the City of Sterling and the community of Atwood, in Logan County, Colorado, from gas produced in said county by means of a gas transmission system from the Armstrong and Springdale Fields. Applicant also sells gas at wholesale to the City of Fort Morgan for distribution in said City, to the Public Service Company of Colorado, for distribution in the City of Brush and in the area adjacent thereto. Applicant obtains its gas for the Brush-Fort Morgan area from the Fort Morgan and Adena Fields in Morgan County; Little Beaver, and Bobcat, lying principally in Washington County, and the Badger Creek Field in Adams County. By previous orders of this Commission, Applicant has been required to furnish this Commission with an estimate of its foreseeable gas reserves, together with an estimate of the life of such reserves on the basis of its five-year projected demand. Information furnished to this Commission by Applicant in regard to the gas reserves from the fields supplying the Brush-Fort Morgan area reveals that as of

January 1, 1956, based on estimated future market requirements and present gas reserves, there is 17 years supply of gas available for this part of Applicant's system. Colorado Interstate Gas, the parent company, is of record before this Commission that the Colorado Interstate policy has been to make every effort to supply its customers' gas requirements. Colorado Interstate has assured this Commission that this policy would also apply to Natural Gas Producers and if at some later date Natural Gas Producers would require gas from Colorado Interstate Gas to supply its customers, Colorado Interstate Gas would make every effort, subject to Federal Power Commission authorization, to make such gas available to it.

By the present application, Natural Gas Producers seeks authority to construct, maintain, and operate the following facilities:

(a) Approximately 0.7 miles of 2-inch pipeline from a point on the existing 10-inch pipeline owned by Natural Gas Producers, Inc., in Section 11, Township 5-South, Range 60-West, to the terminus of the pipeline in Section 12, Township 5-South, Range 60-West, near the city limits of the Town of Deertrail in Arapahoe County, Colorado;

(b) Measuring and regulating station located at the terminus of the pipeline described in (a) above.

A map showing the location and route of the proposed pipeline, together with Applicant's existing lines was introduced at the hearing as Exhibit No. 1, and made a part hereof, by reference. By means of the above facilities, Applicant proposes to sell gas at wholesale to Eastern Colorado Utility Co. for distribution and sale in the Town of Deertrail and the area adjacent thereto. Eastern Colorado Utility Co., in Application No. 13840, has obtained a certificate from this Commission to render the sale of gas at retail in Deertrail and in the area adjacent thereto, but said certificate was conditioned upon Natural Gas Producers being authorized by this Commission to sell gas to Eastern Colorado Utility Co.

Witness for Applicant testified at the hearing that the estimated total cost of the facilities necessary to supply Eastern Colorado would be approximately \$8,215, and that if authority herein is granted, these facilities could be constructed in thirty days or less. The witness further stated that the amount of gas necessary to supply Eastern for its present and future estimated needs was relatively minor and would have no great effect on Applicant's supply of gas. No other public utilities are operating in the area to supply gas and no one appeared at the hearing in opposition to the granting of the authority sought.

The Commission, in Application No. 13840 in the matter of the Eastern Colorado Utility, has already determined the need for the gas in Deertrail and its environs. The Applicant herein will finance the construction of the proposed facilities out of funds presently on hand. The rate that Applicant proposes to sell gas to Eastern Colorado Utility is presently on file with the Commission and is the same rate under which Applicant is presently selling gas to its other customers.

In Application No. 12210, by a Supplemental Order of June 16, 1953, Decision No. 40754, we required Natural Gas Producers to report once a year its estimated gas reserves based on its projected demands, and we shall also require this same estimate herein, based, however, on the inclusion of any additional reserves Applicant might acquire, and upon the additional usages as a result of the additional facilities and sale to be authorized herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Applicant, Natural Gas Producers, Inc., is a public utility, as defined in Colorado Revised Statutes, Chapter 115, Section 1-3.

That this Commission has jurisdiction over said Company and of the subject matter of the application herein.

That this Commission is fully advised in the premises.

That public convenience and necessity require the construction, installation, maintenance and operation of a pipeline, measuring and regulating station for the supplying of gas to Eastern Colorado Utility Co. for the sale thereof in the Town of Deertrail and the area adjacent thereto.

O R D E R

THE COMMISSION ORDERS:

That this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity to Natural Gas Producers, Inc., Applicant herein, to construct, install, maintain, and operate the following facilities:

(a) Approximately 0.7 miles of 2-inch pipeline from a point on the existing 10-inch pipeline owned by Natural Gas Producers, Inc., in Section 11, Township 5-South, Range 60 West, to the terminus of the pipeline in Section 12, Township 5-South, Range 60-West, near the city limits of the Town of Deertrail in Arapahoe County, Colorado;

(b) Measuring and regulating station located at the terminus of the pipeline described in (a) above,

for the delivery and sale of natural gas to Eastern Colorado Utility Co.

That Applicant shall commence construction of the foregoing natural gas transmission system within six (6) months from the date hereof, and shall complete such construction of said facilities within one (1) year's time after the start of said construction or this certificate shall become null and void.

That Applicant shall promptly advise the Commission, in writing, of the date of commencement of construction, and the date of completion thereof.

That Applicant shall within at least ten (10) days before gas is sold to Eastern Colorado Utility Co. execute and file with the Commission a service agreement by and between Applicant and Eastern Colorado Utility Co. for the sale and purchase of gas.

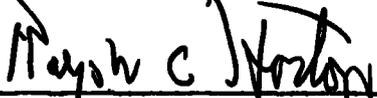
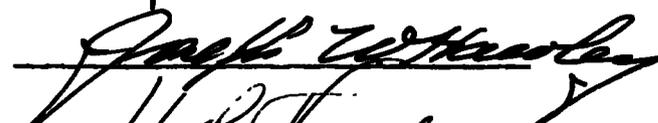
That Applicant shall continue to keep its books and accounts in accordance with the Uniform System of Accounts for Gas Utilities prescribed by this Commission.

That on or before February 15, 1956, and each year thereafter, Applicant shall continue to furnish this Commission with an estimate of its foreseeable gas reserves segregated as between its Armstrong-Sterling system and its Brush-Fort Morgan System, together with an estimate of the life of such reserves on the basis of its five-year projected demand also segregated as between the above two mentioned systems.

That this Commission shall retain jurisdiction of the instant matter to make such further order, or orders, as may be required in the premises.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 22nd day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE CLOSING BY )  
CHICAGO, ROCK ISLAND AND PACIFIC )  
RAILROAD COMPANY OF ITS RAMAH )  
STATION IN EL PASO COUNTY, COLO- )  
RADO, AS A CUSTODIAN STATION. )  
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APPLICATION NO. 14333

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May 22, 1956  
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S T A T E M E N T

By the Commission:

On April 12, 1956, the Chicago, Rock Island and Pacific Railroad Company, by its attorneys, Hodges, Silverstein, Hodges and Harrington, filed an application with the Commission requesting authority to close the custodian station at Ramah, El Paso County, Colorado, and to discontinue the maintenance of custodian services at that point, effective on May 15, 1956; business to and from Ramah to be continued on the basis of a prepay station.

Ramah, Colorado, is located some 49 miles easterly from Colorado Springs, Colorado; being also 4.8 miles West from Simla, Colorado, where agency service is maintained.

According to the instant application, the station of Ramah became a non-agency station on December 15, 1937, upon authority as issued by this Commission in Investigation and Suspension Docket No. 222, and since that day forward has operated as a custodian station. Applicant further states that the volume of business as handled by the railroad at Ramah has been steadily declining in recent years and there are periods during the year when practically no business moves in or out of said station; that the cost of maintaining a custodian at Ramah is not justified by the business there transacted or by the revenue received therefrom. No mail is handled at Ramah and since

1937, all station accounts and business have been adequately handled by the Rock Island agent at Simla. Request is therefore made for authority to discontinue custodian services and to remove the station building at a later date, if it should become necessary for safety or other reasons.

Upon investigation by the Commission, it was determined that, after closing of the agency station in 1937, the principal duties of the custodian were in connection with stock movements and receipt of the Brand Inspector report for delivery to the train conductor; the custodian also checked cars and issued necessary grain doors in connection with grain and bean loadings from the local elevator. Due to prolonged drouth conditions in the area, it appears that the volume of cattle shipments continued to decline and after destruction of the grain elevator by fire, there was a further lessening of custodian duties. Since 1937, the cost of custodian service has been \$15.00 per month, and for the past ten years the position has been held by Mrs. Anna Kosey, wife of the former Section Foreman.

Population at Ramah is approximately 200 people, the lumber yard has been closed and mail is all handled by Star Route direct from the Post Office.

As a matter of public information, a notice of the proposed change in service was posted at the depot in Ramah, Colorado, on April 15, 1956, wherein it was indicated that any protests to the proposed change should be forwarded to the Commission. In response to an inquiry addressed to the Mayor, the reply states in part:

"We have no objections to closing said station, as service is very poor, and they discontinued express service some-time ago."

No protests have been received and the files of the Commission do not indicate anyone who desires to be heard in opposition to the granting of the authority sought; therefore, the Commission de-

terminated 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 public convenience and necessity no longer require the maintenance of a Custodian or Custodian services as currently provided at the Ramah station of the Chicago, Rock Island and Pacific Railroad Company.

That the authority sought in the instant application should be granted.

O R D E R

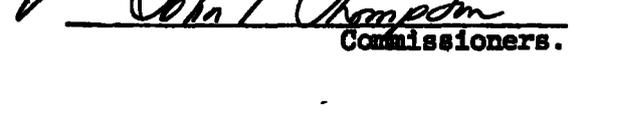
THE COMMISSION ORDERS:

That the above Statement and Findings be, and hereby are, made a part hereof, by reference.

That the Chicago, Rock Island and Pacific Railroad Company be, and it hereby is, authorized to abandon and remove its station and to discontinue its custodian and custodian service at Ramah, El Paso County, Colorado, on notice to this Commission and the general public by not less than one days' filing and posting of new schedules in the manner prescribed in Section 16 of the Public Utilities Act of the State of Colorado.

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 22nd day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JOY IVEY, ROUTE 2, BRIGHTON, COLO-  
RADO, FOR AN EXTENSION OF PERMIT  
NUMBER B-1693.

} APPLICATION NO. 14382-PP-Extension

-----  
May 22, 1956  
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Appearances: E. J. Trenberth, Idaho  
Springs, Colorado, for  
Curnow Livery & Trans-  
fer Co.

S T A T E M E N T

By the Commission:

The applicant presently has authority as a Class "B" private carrier by motor vehicle, for the transportation generally of:

coal and road surfacing material between points within a radius of 50-miles of Denver, Colorado.

By the present application filed March 12, 1956, the applicant seeks to have this authority extended to permit him to transport uranium ore to Golden, Colorado, from mines within a radius of 25-miles of Idaho Springs, Colorado.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, May 17, 1956, at 10:00 o'clock A. M., due notice of the time and place of hearing being forwarded to parties in interest.

When the matter was called up for hearing, the applicant failed to appear either in person or by counsel. Examination of the Commission's records fail to indicate any explanation for the failure of the applicant so to appear.

Mr. E. J. Trenberth, President and General Manager of Curnow Livery & Transfer Co., a common carrier engaged in the transportation

of ores and based in Idaho Springs, appeared in protest. The substance of his testimony was that his company maintains 15 pieces of equipment and the accessory equipment necessary to serve the mining industry in that area, but mining activity has diminished to the point where he is able to keep only three men busy. His equipment is therefore idle the greater bulk of the time. To permit additional competitors to enter the field would, according to his evidence, further divide the present negligible revenues and make it difficult if not impossible for his company to continue in business.

Mr. Trenberth also moved to dismiss the application for failure of the applicant to prosecute the matter.

At the conclusion of the evidence, the matter was taken under advisement. It appears from the uncontradicted evidence that the granting of the application would tend to impair the existing service of the common carriers serving the territory and the statute requires that the application therefore be denied.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That said application should be denied.

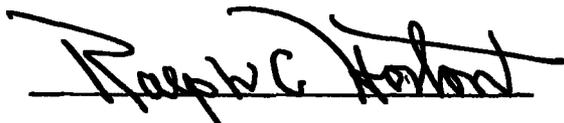
O R D E R

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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of May, 1956.

mls

original

(Decision No. 45822)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	
RUEBEN GOMEZ, 720 WEST 4TH AVENUE,		
DENVER, COLORADO, FOR A CLASS "B"		
PERMIT TO OPERATE AS A PRIVATE CAR-		
RIER BY MOTOR VEHICLE FOR HIRE.	)	<u>APPLICATION NO. 14390-PP</u>

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May 22, 1956  
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Appearances: Rueben Gomez, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the present application filed April 18, 1956, the applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal from mines in the northern Colorado coal fields to Denver, Colorado, to Valmont plant of Public Service Company, located near Boulder, also to Great Western Sugar Company plants and Kuner-Empson Company plants, located within a radius of fifty miles of Denver, Colorado. Applicant re-

quests that in the event authority herein sought is granted, said operating rights bear the number "B-4326," being the number of a permit formerly held by him.

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, May 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Gomez appeared in support of his application. He owns a 1951 Ford dump truck. His net worth is approximately \$6,000. He has had about twenty years experience with trucks. He expects to be able to get work without any difficulty, if the authority he seeks is granted. He formerly had virtually the same authority but the former authority was cancelled at his request in 1953. He asks that the same permit number be reassigned to him. This will be done.

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:

The above and foregoing Statement is, by reference, incorporated hereinto.

That authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Rueben Gomez, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal from mines in the northern Colorado coal fields to Denver, Colorado, to Valmont plant of Public Service Company, located near Boulder, also to Great Western Sugar Company plants and Kuner-Empson Company plants, located within a radius of fifty miles of Denver, Colorado.

That said authority granted herein shall bear the same number previously held by applicant, to-wit: Permit No. B-4326.

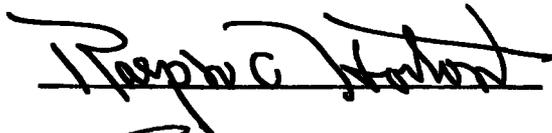
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

  
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Commissioners.

Dated at Denver, Colorado,  
this 22nd day of May, 1956.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
DELL H. FRAZIER, DOING BUSINESS AS  
"SHAMROCK EXPRESS," 1116 SOUTH  
SHERMAN STREET, DENVER, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CONVEN-  
IENCE AND NECESSITY TO OPERATE AS  
A COMMON CARRIER BY MOTOR VEHICLE  
FOR HIRE.  
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}  
} APPLICATION NO. 14319  
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May 23, 1956  
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Appearances: Dell H. Frazier, Denver,  
Colorado, pro se;  
Harold D. Torgan, Esq.,  
Denver, Colorado, for Amick  
Transfer and Storage Company,  
Buehler Transfer Company,  
Bekins Van and Storage Company,  
Johnson Storage and Moving  
Company;  
H. D. Hicks, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of musical instruments, theatrical props, supplies, and equipment, from point to point within the State of Colorado; household furniture and office furniture and supplies within the corporate limits of the City and County of Denver, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 23, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to

conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing, applicant testified that he is engaged in the express business in the City and County of Denver, and has been so engaged for a period of four years, transporting musical equipment, show props, and everything pertaining to the theater, small amounts of household goods, used and new office furniture, using a three-fourths-ton truck; that he had received some requests for the movement of musical instruments to points and places in the State of Colorado, particularly to Central City; that many of these instruments are of a high value, and the owners thereof do not like to allow carriers not experienced in the transportation of such articles to move them; that at the request of the owners of some of these instruments he had obtained special authority to transport certain high-valued musical articles to Central City; that he did not desire to transport household goods outside of the City and County of Denver, nor to transport commodities that, because of size or weight, require special equipment; that he has a net worth of \$15,000; that he worked as a stage hand, and moved stage props and theatrical equipment between shows and theaters.

Report of the Examiner indicates that applicant is a fit and proper person to conduct the proposed operation, and has sufficient equipment to do so; that he is financially able to render the services sought to be performed by the instant application; that he is engaged in the transportation of musical instruments and equipment, show props, and everything connected with the theater, small amounts of household goods, used and new office furniture, between points within the City and County of Denver, State of Colorado, and was so engaged on January 1, 1955, being

the effective date of the Constitutional Amendment giving The Public Utilities Commission of the State of Colorado jurisdiction over public utilities in home-rule cities, thereby establishing "Grandfather Rights" within the City and County of Denver; that applicant failed to produce any evidence, either upon his own part or by producing a shipper witness, of the public need for his proposed service outside the City and County of Denver.

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

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant, as set forth in the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Dell H. Frazier, doing business as "Shamrock Express," Denver, Colorado, for the transportation of musical instruments and equipment, theatrical props and equipment, small amounts of household goods, new and used office furniture and supplies, not to exceed the amount that can be transported conveniently in a three-

quarters-ton truck, between points in the City and County of Denver, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

That applicant shall operate 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, in all other respects, the above-styled 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

  
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Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1956.

ea

original

(Decision No. 45824)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DAVID GRAY, FAIRY BELLE GRAY, AND )  
DAVID ROBERT GRAY, CO-PARTNERS, )  
DOING BUSINESS AS "EMPIRE TRANSFER )  
COMPANY," 1255 SOUTH PEARL STREET, )  
DENVER, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 14315

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May 23, 1956  
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Appearances: Marion F. Jones, Esq.,  
Denver, Colorado,  
for Applicant;  
H. D. Hicks, Denver,  
Colorado, for Weicker  
Transfer and Storage  
Company.

S T A T E M E N T

By the Commission:

By the above-styled application, applicants herein seek a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of general commodities, in a general transfer and cartage service, within the City Limits of the City and County of Denver, State of Colorado.

Said application was regularly set for hearing before the Commission, at ten o'clock A. M., April 24, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof being forwarded to all parties in interest.

On April 13, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

When the matter was called for hearing on April 24, 1956, interested parties requested that said matter be continued for hearing before the Commission at ten o'clock A. M., April 27, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, which request was granted.

Said hearing was held April 27, 1956, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing David Gray testified that he, his wife, Fairy Belle Gray, and his son, David Robert Gray, are the owners and operators of Empire Transfer Company; that they are engaged in the transportation of general commodities between points in the City and County of Denver; that they have been so engaged since August, 1949; that they have a net worth of \$52,000.00; that they have access to a large amount of motor vehicle equipment, owned by the Gray Moving and Storage Company.

Applicants amended their application to show that they did not desire to transport heavy commodities, which, because of size or weight, require special equipment.

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

Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicants herein, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicants' motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should

issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of David Gray, Fairy Belle Gray, and David Robert Gray, co-partners, doing business as "Empire Transfer Company," Denver, Colorado, for the transportation of general commodities, in a general transfer and cartage service, between points in the City and County of Denver, excepting therefrom the transportation of commodities which, because of size or weight, require special equipment, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

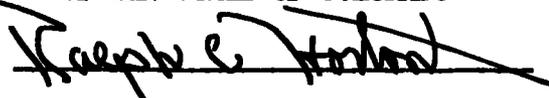
That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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.

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 23rd day of May, 1956.

ea

original

(Decision No. 45825)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
C. A. FOSTER, DOING BUSINESS AS )	
"C. A. FOSTER TRANSFER," 2615 PERRY )	
STREET, DENVER, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 14229</u>
AND NECESSITY TO OPERATE AS A COM- )	
MON CARRIER BY MOTOR VEHICLE FOR )	
HIRE. )	
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-----  
May 23, 1956  
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- Appearances: J. Fred Schneider, Esq.,  
Denver, Colorado, for  
Applicant;  
H. D. Hicks, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Harold D. Torgan, Esq., Denver,  
Colorado, for United States  
Transfer and Storage Company,  
Duffy Storage and Moving  
Company;  
E. B. Evans, Esq., Denver, Colo-  
rado, for Westway Motor  
Freight, Brighton-Fort  
Lupton Truck Line;  
Edwin Mullen, Denver, Colorado,  
for Navajo Freight Lines, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of building materials, between Denver and a radius of ten miles thereof, and intermediate points.

Said application was regularly set for hearing before the Commission at ten o'clock A. M., March 28, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof being sent to all parties in interest.

On March 22, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that applicant testified at the hearing that he has been engaged in the transportation business from 1919 until January, 1954, at which time he went into bankruptcy; that he has been operating since July, 1954, transporting building materials, which include anything that goes into a building, between Denver and its Metropolitan Area; that the bills introduced into evidence, being his freight bills, numbered from 7382 to 7954, would show the extent of his operations; that four other freight bills and one check would show that he operated between points in the City and County of Denver; that he is the owner of two flat-bed trailers, a 1947 International Tractor, and two vans, and one trailer leased to Heckethorn Manufacturing and Supply Company; that the total of his equipment, as shown in his application, is \$3,250; that there is a mortgage against said equipment in the amount of \$2,200; that all transportation to points outside Denver, from Denver, was in violation of the law governing common carriers by motor vehicle.

William A. Carpenter, Assistant Traffic Manager of Navajo Freight Lines, Inc., testified that his company had purchased part of the rights heretofore owned by C. A. Foster, from Bankruptcy Court; that his company could serve a large part of the territory sought in the instant application; that his company had a large number of trucks, all of which were available to serve the company's territory.

James A. Duffy, General Manager of Duffy Storage and Moving Company, operating under PUC No. 333, heretofore issued by this Commission, testified that he had authority to transport building materials, state-wide; that he had sufficient equipment to meet normal demands, and that there was no need for an additional carrier in the field.

It was stipulated that Paul Santo, of United States Transfer and Storage Company, would, if called as a witness, testify substantially to the same effect as did James A. Duffy.

Howard D. Hicks, Traffic Manager for Weicker Transfer and Storage Company, testified that his company had all authority sought by the instant application; that his company had two hundred and sixty pieces of equipment, representing equipment of every type; that there was no need for additional carriers.

Harold Swens, of Westway Motor Freight, testified that his company operated under PUC No. 701, with authority to furnish the same service sought by applicant herein. The files and Annual Report of Westway Motor Freight were made a part of the record.

At the completion of applicant's testimony, motion to dismiss the application was interposed by E. B. Evans, Esq., and concurred in by other protestants. Said motion was taken under advisement.

The Examiner's Report recommends that while there was some testimony, and the exhibits show that there was some transportation between points within the City and County of Denver by applicant, no authority should be granted herein within the City and County of Denver, because none is sought by the instant application.

Report of the Examiner further states that applicant had been engaged in the transportation of building materials, between Denver and points within a ten-mile radius of Denver;

that all such transportation was illegal and without authority from this Commission, and applicant admits that such is the situation; that applicant is an experienced motor vehicle operator, having operated under authority for many years, knows the laws, rules, and regulations governing common carriers by motor vehicle; that, because of such experience and knowledge, he should not, in this proceedings, be allowed to show public convenience and necessity by reason of illegal operations; that while applicant has been transporting building materials from Denver to the ten-mile area outside Denver for several customers, and rather extensively for Midwest Steel and Iron Works, neither Midwest nor any other shipper customer of applicant appeared in support of his application; that the only evidence before the Examiner is that applicant wishes to continue his trucking operations; that protestants offered evidence of their ability to perform the service offered by applicant in the territory he proposes to serve; that applicant has failed to prove public convenience and necessity for his proposed transportation service.

Report of the Examiner recommends that motion to dismiss the application should be denied, and that the above-styled application be denied.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That motion to dismiss interposed by protestants should be denied.

That the above-styled application should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the

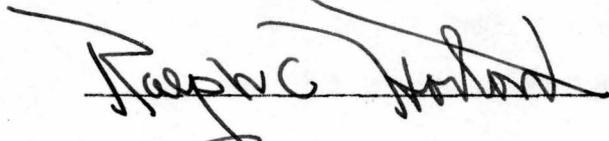
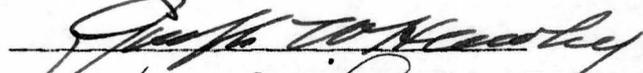
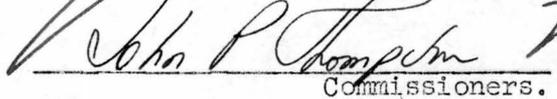
above Findings, should be, and the same hereby is, approved.

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

That Application No. 14229 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 23rd day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF EUIL L. HIGGINS, ROUTE 2, BOX 129, PUEBLO, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NO. 2785.)	}	<u>APPLICATION NO. 13625-Extension</u>
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May 23, 1956  
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Appearances: Frank Stewart, Esq., Pueblo,  
 Colorado, for Applicant;  
 Marion F. Jones, Esq., Den-  
 ver, Colorado, and  
 Alvin J. Meiklejohn, Esq.,  
 Denver, Colorado, for T.  
 J. Isenbart, Boyce House  
 Movers;  
 Barry and Hupp, Esqs., Den-  
 ver, Colorado, for Gottula  
 Trucking & Transportation,  
 Inc.;  
 Ralph South, Ordway, Colo-  
 rado, pro se.

S T A T E M E N T

By the Commission:

Applicant filed the present application July 19, 1955, stat-  
 ing that he is presently authorized to move frame buildings for hire  
 as a motor vehicle common carrier from point to point within Pueblo  
 County, Colorado, and asking that this authority be extended to permit  
 him to render service in an area approximately comprising the drainage  
 of the Arkansas River, and more particularly described in the applica-  
 tion.

Upon due notice to interested parties, hearing was commenced  
 at the Court House in Pueblo, Colorado, on September 16, 1955; after  
 presenting some evidence, the applicant requested that the matter be  
 continued for future hearing in Denver at some time convenient to the  
 Commission. The matter was subsequently set from time to time and con-  
 tinued for various reasons until finally by further notice to interested

parties, the matter was set for hearing in Denver on May 16, 1956. At this continued hearing, the applicant did not appear either in person or by counsel. His absence is not explained.

In support of his application, the applicant's evidence was that he has been engaged in building moving in Pueblo County for about 13 years, and has bought and sold houses in southeastern Colorado in addition to his work done at the hire of people who wished to have frame buildings moved. He also produced Mr. A. I. Rayle of La Junta, for whom he has done work in the past and who would like to have his service available in the La Junta area. Mr. Rayle had contacted two other carriers in the neighborhood, but the applicant was willing to do the work and did it for about half the price the local carriers had asked. Mr. Rayle found the applicant's service very satisfactory, but had no need to have any building moved at the time of the hearing. As La Junta is not in Pueblo County, it appears that the work the applicant did for Mr. Rayle was done without authority, and unlawfully.

The principal building movers in southeastern Colorado; i.e., Mr. T. J. Isenbart, of Las Animas; Mr. Robert Boyce and Mr. Ernest J. Gottula of Pueblo, Colorado; and Mr. Ralph South of Ordway, Colorado, appeared in protest. All of these persons have common carrier authority. Each has authority to do and testified that he actually does all of the work which the applicant seeks authority to perform by this application.

It appears from the testimony of Mr. South particularly that business in the area has dropped off rather sharply during the past year, which may explain the failure of the applicant to appear at the continued hearing. There was also evidence that the applicant has operated for hire beyond his authority. It appears from the undisputed evidence of protestants that there is ample equipment and a sufficient number of competitors in this area at present; and

that the addition of any further carriers will have the effect of impairing the ability of existing carriers to provide their present service. It being undisputed, we must accept the evidence of the protesting carriers, which is that the granting of additional authority will not result in improved service, but will merely divide the work available among the greater number of carriers rendering each of them less capable than before of serving the public efficiently. The application must therefore be denied.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the instant application should be denied.

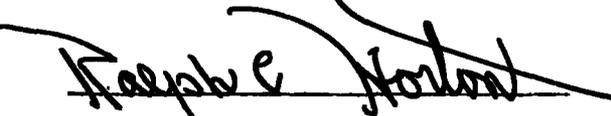
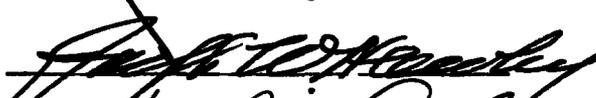
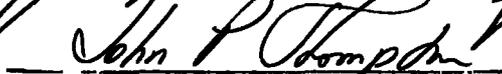
O R D E R

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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1956.

mls

original

(Decision No. 45827)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM E. SEARS REFRIGERATION & )  
FIXTURE CO., 1325 WALNUT STREET, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER FOR HIRE. )

APPLICATION NO. 14380-PP

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May 23, 1956  
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Appearances: William E. Sears, Denver,  
Colorado, pro se;  
Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Duffy Storage & Moving  
Co.;  
H. D. Hicks, Denver,  
Colorado, for Weicker  
Transfer & Storage Co.

S T A T E M E N T

By the Commission:

By application filed April 10, 1956, the applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of refrigeration cabinets and fixtures,

"between points within a radius of 25 miles of Denver, including service in Denver, for various wholesale and retail establishments in said area."

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, May 18, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application. He stated that he presently operates as a sole proprietor, and has been

in the refrigeration business for the past 30 years. His present business involves both the sale and the servicing of refrigeration equipment. The practice in the ice cream industry is for the company which manufactures the ice cream to provide its retail outlets with cabinets in which the ice cream is kept cold, and from which it is served to the customer. The applicant considers that it would be most convenient if at the time the fixture is delivered to the retail outlet it can be serviced and the customer instructed in its use, instead of having the transportation separate from the initial service call. The applicant presently owns three half-ton pickup trucks, and has bought a 3/4-ton pickup with one-ton lift gate. He hopes with this equipment to be able to solicit the ice cream companies for their installation business and thus by delivering the cabinets for these companies to the retail outlet, to obtain additional business for his refrigeration service company. He has not gone in for this type of work in the past, but would like to commence it. The service proposed would be confined to the delivery of ice cream cabinets. His customers would only be those companies which manufacture ice cream. He does not expect quantity of work outside the City of Denver. He has had no requests for this work. He has done some of this type of work for the Meadow Gold people.

Representatives of Duffy Storage and Moving Co. and Weicker Transfer and Storage Company appeared in protest.

The Duffy representative stated that his company has been doing this type of work as a common carrier in the Denver area, and actually served the Meadow Gold people for 15 years up until about two months ago. He stated that the actual amount of service work necessary usually involves only plugging the equipment into a wall outlet. So far as he knows, Meadow Gold has never needed other installation service nor asked his company to do anything which they were not already doing at the time. He stated that virtually the

entire operation is a transportation operation, which his company is authorized and willing to do and has actually been doing for many ice cream companies in this area for many years.

The Weicker representative stated that his company also has equipment suitable to this work and has done it in the past also. He stated that a steady decline in his company has been noted over the past several years, due to the issuance of private carrier authorities, which has the effect of dividing up the available work among a greater number of carriers. This trend if continued, he said, will drive his company out of business as a common carrier, in effect substituting the service of private carriers who may serve when and whom they choose for his company's common carrier service.

It is apparent that the applicant is trying to expand his service business by offering delivery service in conjunction with the service work. In so doing, however, he collides with the transportation companies who have been rendering this transportation service heretofore. If the service he proposes is to be offered, his patronage must come from the customers of existing carriers. It may be that his all round service is one which would be of benefit to the ice cream industry. However, no representative from any ice cream company felt strongly enough about it to testify in the applicant's behalf. In the present state of the evidence, the only justification for allowing the applicant to take business away from the established carriers is that the applicant would like to start a new business. There being no independent showing of need for his service, and the showing of impairment of existing service being made, under the statute we must deny the application.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the instant application should be denied.

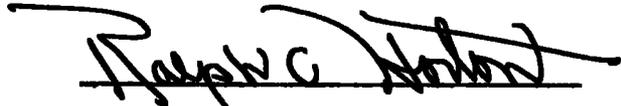
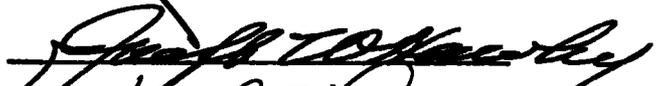
O R D E R

THE COMMISSION ORDERS:

That 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

  
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\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE EXTENSION OF TIME TO PUBLISH )  
SPECIFIC CLASS RATES BETWEEN )  
POINTS IN COLORADO AS REQUIRED )  
IN FINDING 9 OF THE COMMISSION'S )  
ORDER IN CASE NO. 1585, DECISION )  
NO. 45325 DATED FEBRUARY 6, 1956.)  
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CASE NO. 1585

-----  
May 21, 1956  
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S T A T E M E N T

By the Commission:

By its order in Case No. 1585, Decision No. 45325, dated February 6, 1956, the Commission in its finding 9 provided the following:

"As a temporary expedient to accomplish the results of these findings, and because of the time required to prepare and publish new tariff sheets showing the total rates resulting therefrom, we will allow the publication and use the conversion tables reflecting the increases approved, until June 1, 1956. By that date, the publication of new sheets showing total charges will be expected, and the use of conversion tables shall on that date be discontinued."

The order of the Commission made its findings a part thereof.

The Commission is now in receipt of a request from John P. Beck, Agent, Motor Tariff Service Colorado Motor Freight Tariff No. 1-A, Colorado P.U.C. No. 3, wherein in substance the following facts are set forth:

The work of making the publication of the various changes in Case No. 1585 prescribed by the Commission was until recently performed by R. L. Ellis, a recognized tariff and rate expert. Mr. R. L. Ellis recently died and since his death his widow, Mrs. E. T. Ellis, has been carrying on the duties previously performed by her husband. Since the death of husband, Mrs. Ellis has been so fully occupied with tariff work, and attending other interests,

as to have made it impossible for her so far to commence preparation of the revised tariff pages to the above referred to tariff as required by Decision No. 45325. Further, Mrs. Ellis must now go to her former home in Iowa to attend to some urgent matters, expecting to return to Denver about June 10, 1956.

In addition, the applicant, Mr. John P. Beck, will be absent from Denver during the last half of June and all of the month of July on a vacation trip to Scandanavia and England.

The prayer of the petitioner requests an order of the Commission extending the time for complying with finding 9 and the order issued in connection with said finding until the 20th day of August, 1956, and to continue the use of the conversion supplement until said date of August 20, 1956.

F I N D I N G S

THE COMMISSION FINDS:

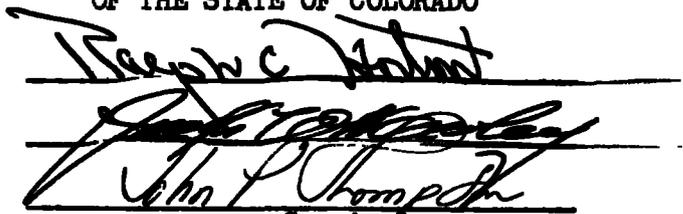
That under the circumstances and conditions set forth in the statement the request should be granted.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings are hereby made a part hereof.
2. This order shall be effective forthwith.
3. The period of time for compliance with finding 9, Decision No. 45325, Case No. 1585, be and the same is hereby extended until August 20, 1956, and the use of conversion tables reflecting the increases prescribed in said decision is hereby extended until the said August 20, 1956 date.
4. Except as herein provided the order in Decision No. 45325 shall remain in force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 21st day of May, 1956.

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, )  
FREIGHT TARIFF NO. 12, COLORADO )  
P.U.C. NO. 6, ISSUED BY J. R. SMITH, )  
CHIEF OF TARIFF BUREAU, 407 DENHAM )  
BUILDING, DENVER 2, COLORADO. )  
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CASE NO. 1585

-----  
May 22, 1956  
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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 rates, rules, regulations and charges advertised to become effective May 31, 1956, designated as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required to prescribe the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information.

The cancellation of exceptions to ratings of the current classification for various items as listed below and set forth in Appendix "A":

Item No. 120 - Applies only via Larson Transportation Company and

Tweedy Transfer, which carried the same ratings, 4th class, as appears in the current classification; therefore, the item was superfluous and of no purpose in the tariff.

Item No. 290 - Applies only via Larson Transportation Company and Ringsby Truck Lines, Inc. However, by its cancellation an increase in rates will ensue to the shippers from a rating of 3rd class to 2nd class on centrifugal and  $1\frac{1}{2}$  of 1st class on gravity cream separators. It is apparently justifiable as movements are practically nil, and where such conditions prevail an exception rating is not justified.

Item No. 320 - Applies only via the Larson Transportation Company and with the elimination of the part of the exception, namely; new or second hand, engines, automobile, internal combustion, n.o.i.b.n., not mounted on trucks, L.T.L. from Denver to towns via this carrier on its own line will amount to an increase when commodity is shipped set-up from 3rd class to 2nd class rating. The carrier has informed the Rate Department of the Commission that the volume of traffic has decreased so as not to justify an exception rating.

Item No. 450 - Mattresses, viz: cotton, cotton felt, excelsior, fibre, husk, moss, shoddy or straw, separate or combined; hair and wool is an obsolete item and of no further value.

Item No. 560 - Applies only via Larson Transportation Company. The current rating in the classification for refrigerators set-up is the same as this exception item and for knock-down the classification rating is 3rd class, consequently this exception rating is of no value.

Item No. 1657 -3rd Revised Page No. 170-A, as set forth in Appendix "A", being cancelled as the carriers involved have no further movements of this commodity.

The addition to the exceptions on the rule covering minimum charges for Denver-Limon-Burlington Transfer Company and Clear Creek Transportation Company is consistent and in line with similar exceptions for other carriers and represents a reduction from \$1.75 to \$1.50.

The establishment of the 186 cent rate on film, motion picture, exposed between Denver and Boulder amends the item to cover film released to a value not exceeding \$1.00 per pound whereas the prior item covered a rate of 243 cents released to a value exceeding \$1.00, but not exceeding \$7.50 per pound. This will be a benefit to the shippers of film via this carrier.

Item 2875, 5th Revised Page No. 202-A for the account of Lantz Truck Line involves a transfer of authority from Byers-Denver Truck Line on transportation of milk and cancellation of items formerly in effect for Byers-Denver Truck Line with a few minor revisions and adjustments in rates and minimum charges. This Commission has been advised by the carrier that shippers involved in changes have been notified and are agreeable to them.

Items No. 2900 and No. 2920, 12th Revised Page No. 204 and 3rd Revised Page No. 204-A, respectively, being amended to reflect rates for distances over 45 miles on shipments of milk in shipping cans and in bulk in tank trucks, whereas a single rate in each item prevailed for the distances over 45 miles. This adjustment is in line as distances under 45 miles were divided into zones for corresponding mileages. Many new customers are being added in that portion of carriers' authority beyond the 45 miles as confirmed by the carrier.

The addition of various related paper commodities as set forth in Appendix "A" to Item 3573 is a benefit to the shippers via the line of North Eastern Motor Freight, Inc.

The establishment of a 75 cent rate on gilsonite or asphaltum from Craig to Ft. Collins appears to be reasonable in comparison with the rates presently in effect between Craig, Colorado, and Denver and Boulder, Colorado, of 58 cents.

## F I N D I N G S

### THE COMMISSION FINDS:

That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

## O R D E R

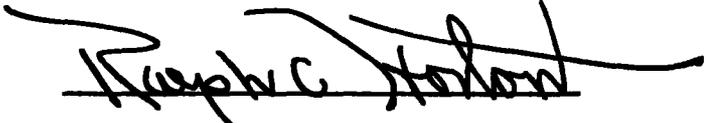
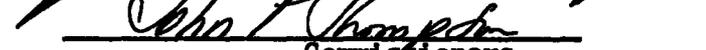
### THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on May 31, 1956, be the prescribed rates, rules, regulations and provisions of the Commission.
4. 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 carriers.
5. On and after May 31, 1956, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.
6. On and after May 31, 1956, 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.
7. 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.

8. 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of May, 1956.

mem

APPENDIX "A"

Cancellation of the following exceptions to the classification,

viz:

- Item No. 120 - Binder twine, in packages, L.T.L.
- Item No. 290 - Cream separators, centrifugal or gravity in boxes or crates, L.T.L.
- Item No. 320 - Engines, automobile, internal combustion, n.o.i.b.n., not mounted on trucks, L.T.L., new or second hand, from Denver, Colorado, to towns on the Larson Transportation Company route.
- Item No. 450 - Mattresses, viz: Cotton, cotton felt, excelsior, fibre, husk, moss, shoddy or straw, hair, or wool.
- Item No. 560 - Refrigerators, as described under that heading in current classification, L.T.L.

Cancellation of the following commodity Item No. 1657 for the account of Navajo Freight Lines, Inc., direct, Weicker Transfer and Storage Company, direct.

Bomb body parts, iron or steel, minimum weight 32,000 lbs., from Littleton, Colorado, to Rocky Mountain Arsenal, Ladora, Colorado.

1st Revised Page No. 54-A, Item No. 80 (Minimum Charge) to amend exception to current classification for the account of the following carriers, viz:

The minimum charge for a single shipment from one consignor to one consignee on one bill of lading in one day from Denver, Colorado, to points on the line of The Denver-Limon-Burlington Transfer Company, located less than 110 miles from Denver, Colorado, will be \$1.50.

The minimum charge for a single shipment from one consignor to one consignee in one day on one bill of lading between points served by the Clear Creek Transportation Company will be \$1.50.

1st Revised Page No. 189-A, Item No. 2385, for the account of Boulder-Denver Truck Lines, direct.

To amend the item to include \*(2) 186 cents per 100 pounds on film, motion picture, exposed, packed in metal containers between Denver, Colorado, and Boulder, Colorado.

\*(2) Released to a value not exceeding \$1.00 per pound.

of Lantz Truck Line, direct.

<u>Rates are in Cents per 100 Pounds</u>				
	From	To	Rates	Daily Min. Charge
Milk, in shipping cans. Rates include return of empty cans. (Applies only on Colorado Intrastate Traffic.)	Points shown below	Denver, Colorado		
The Edna - Bean Ranch Co.	Watkins		40	1.00
Carl Ziegler	Derby		34	.50
Bob Ziegler	Derby		34	.50
Bill Egan	Derby		38	1.00
David Small	Bennett		37	1.00
John Schroth	Bennett		35	1.00
W. C. Thornburg	Bennett		40	1.00
Fred Toft	Bennett		40	1.00
James Perkins	Bennett		40	1.00
John Hawk	Strasburg		45	1.00
John Gunzer	Strasburg		45	1.00
John Nordloh	Strasburg		45	1.00
Henry Kerksiek	Strasburg		45	1.00
Price & Pratt	Byers		45	2.00
T. Diedrich	Byers		55	1.00
Arthur Todd	Byers		50	1.00
F. J. Fellin	Byers		50	1.00
James Hicks	Byers		50	1.00
E. D. Watson	Byers		45	1.00
L. Hasenbalg	Byers		50	1.00
Walter F. Keen	Byers		50	1.00
F. L. Mock	Byers		65	2.00
C. & J. Walling	Byers		50	1.00
W. A. Slater	Byers		50	1.00
G. E. Summers	Byers		50	1.00
R. Meredith	Byers		45	1.00
Floyd Behrens	Byers		45	1.00
E. E. Van Matree	Byers		45	1.00

Quantity shipments from the above producers to Denver, Colorado:

1,500 pounds and over 1,000 pounds per day on an  
average for a semi-monthly period - - - - - 30¢ per 100 pounds;

Over 1,500 pounds on an average for a semi-  
monthly period - - - - - 20¢ per 100 pounds.

12th Revised Page No. 204, Item 2900, Milk in shipping cans from Northern Colorado origins to Golden, Denver and a radius of 5 miles of the city limits of Denver, amend item by adding the following, viz:

<u>From Northern Colorado Origins</u>	<u>Less than 10 cans per day (1)</u>	<u>10 cans or more per day (1)</u>
Zone 5 - 55 miles and over 45 miles	40	34
Zone 6 - 65 miles and over 55 miles	43	37
Zone 7 - 75 miles and over 65 miles	46	40

(1) Rates are in cents per can and cover the average number of cans daily for any semi-monthly period. Rates include return of empty cans.

3rd Revised Page No. 204-A, Item No. 2920, milk in bulk in tank trucks, from northern Colorado origins to Golden, Denver, a radius of five miles of the city limits of Denver, amend item by adding the following, viz:

<u>From Northern Colorado Origins</u>	<u>Less than 850 lbs. (See Note 1)</u>	<u>850 lbs. or more, but less than 2,000 lbs. (See Note 1)</u>	<u>2,000 lbs. or more (See Note 1)</u>
55 miles and over 45 miles	45	38	35
65 miles and over 55 miles	48	41	38
75 miles and over 65 miles	51	44	41

Note 1: Rates are in cents per 100 pounds of milk and apply on the average pick-up during any semi-monthly period.

4th Revised Page No. 220-B, Item No. 3573, paper and paper articles between Denver, Colorado, and Brush, Ft. Morgan, Julesburg and Sterling, Colorado, amend item to include the following paper items, viz:

- Paper, printing
- Paper, writing, other than folded
- Paper, wrapping, waxed or not waxed

3rd Revised Page No. 192-A, Item 2527, Gilsonite or Asphaltum, in bags or barrels, minimum weight 40,000 pounds, (1) not subject to Item 970, amended to include the following, viz:

<u>From</u>	<u>To</u>	<u>Rate</u>
Craig, Colorado	Ft. Collins, Colorado	(1) 75
Via Boulder Truck Service, Inc., direct.		

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
NORMAN H. ROCKWELL, WHEATRIDGE, COLO-  
RADO, FOR A CLASS "B" PERMIT TO  
OPERATE AS A PRIVATE CARRIER BY  
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 14386-PP

-----  
May 23, 1956  
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Appearances: Norman H. Rockwell, Wheat-  
                  ridge, Colorado, pro se;  
                  Raymond L. Pherson, Boulder,  
                  Colorado, for Pherson  
                  Trucking Co.

S T A T E M E N T

By the Commission:

By the present application filed April 20, 1956, the appli-  
cant 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, mixer and processing plants within a radius of fifty miles  
of said pits and supply points; sand, and gravel, from pits and supply  
points in the State of Colorado, to railroad loading points, and to  
homes and small construction 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; insulrock, from pits and supply  
points in the State of Colorado, to roofing jobs within a radius of  
fifty miles of said pits and supply points; ore from mines in Jeffer-  
son County, to mills and loading points in said County and to Denver,  
Colorado.

Said application, pursuant to prior setting, after appro-

private notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, May 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application. He owns a 1953 International 5-ton dump truck suitable to the work. His net worth is approximately \$6,000. He has operated trucks for the past ten years. He expects to work principally for Littleton Ready Mix Company for whom he has done work in the past.

He stated that he has no need for authority to haul ore in Jefferson County and asked that, if the authority he seeks is granted, such ore hauling authority be specifically stricken from his application. On this basis, Pherson Trucking Company withdrew its objection and the matter now stands uncontested.

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

It did not appear that the proposed service of applicant, as limited in the following Order, 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:

The above and foregoing Statement is, by reference, incorporated hereinto.

That authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Norman H. Rockwell, Wheatridge, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private car-

rier 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

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

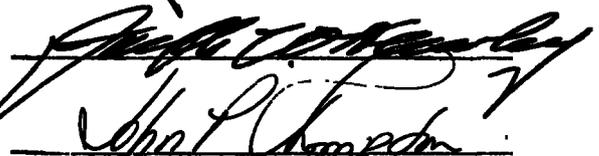
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PHIL SPANO, 602 WEST 62ND AVENUE, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 14389-PP

-----  
May 23, 1956  
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Appearances: Mrs. Phil Spano, Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the present application filed April 30, 1956, the applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, May 16, 1956, and at the conclusion of the evidence, the matter was

taken under advisement.

Mrs. Spano, the wife of the applicant, appeared in support of the application. She testified that she and her husband are principally engaged in truck gardening, but wish to work in the construction industry during their off season. Mr. Spano owns a 1954 Ford dump truck. His net worth is approximately \$11,000. He has driven equipment of this type off and on for a period of about four years. He expects to be able to get work, if the authority he seeks is granted.

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:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Phil Spano, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and homes and small construction

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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

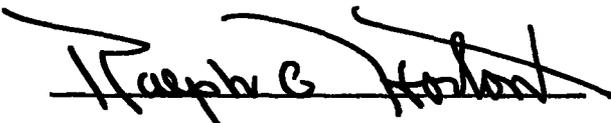
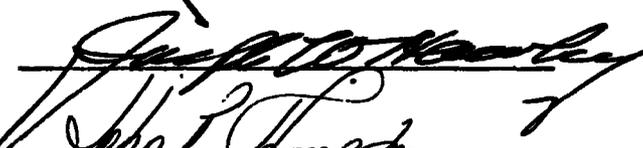
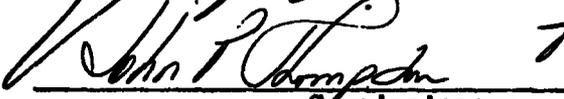
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ORVILLE E. BRAHMER, CASTLE ROCK, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 14384-PP

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-----  
May 23, 1956  
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Appearances: Barry and Hupp, Esqs., Den-  
ver, Colorado, for Appli-  
cant;  
Marion F. Jones, Esq., Den-  
ver, Colorado, and  
Alvin J Meiklejohn, Esq.,  
Denver, Colorado, for  
Parker & Franktown Trans-  
fer.

S T A T E M E N T

By the Commission:

By application filed April 26, 1956, applicant seeks auth-  
ority to operate as a Class "B" private carrier by motor vehicle for  
hire, for the transportation of rock between points within a radius  
of 50-miles of Castle Rock, Colorado.

Said application was regularly set for hearing at the Hear-  
ing Room of the Commission, 330 State Office Building, Denver, Colo-  
rado, May 16, 1956, due notice of the time and place of the hearing  
being forwarded to all interested parties.

When the application was called up for hearing, counsel for  
applicant requested that the hearing be vacated, to be reset at some  
future date convenient to the Commission, with due notice to the  
parties who appeared.

There was no objection to the request.

F I N D I N G S

THE COMMISSION FINDS:

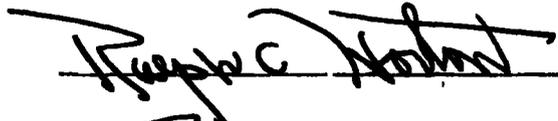
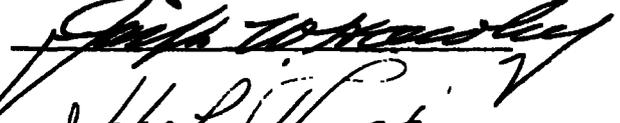
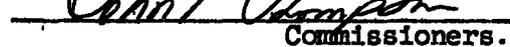
That the hearing herein should be vacated to be reset at some future date convenient to the Commission, with due notice to all interested parties.

O R D E R

THE COMMISSION ORDERS:

That the hearing herein be, and the same is hereby, vacated, to be reset at some future date convenient to the Commission, with due notice to the parties whose appearances are noted in the caption hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. D. COX, 3205 SOUTH SANTA FE )  
DRIVE, ENGLEWOOD, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 14385-PP

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May 23, 1956  
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Appearances: J. D. Cox, Englewood,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the present application filed April 25, 1956, the applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer plants and processing plants within a radius of fifty miles of said pits and supply points and to railroad loading points and to homes and small construction 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; insulrock from pits and supply points in the State of Colorado to roofing jobs within a radius of fifty miles of said pits and supply points; and coal from mines in the northern Colorado coal fields to Denver; to Valmont plant of the Public Service Company located near Boulder; to Great Western Sugar Company and Kuner-Empson plants located within a radius of fifty miles of Denver, and to points within ten miles of Denver.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, Denver, Colorado, May 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application. He testified that he owns a 1950 GMC dump truck suitable to the work. His net worth is approximately \$8,500. He has had three years experience in the business. He will be working principally for Winslow Construction Company.

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:

The above and foregoing Statement is, by reference, incorporated hereinto.

That authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That J D. Cox, Englewood, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer plants and processing plants within a radius of fifty miles of said pits and supply points and to railroad loading points and to homes and small construction 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; insulrock from pits and supply points in the State of Colorado to roofing jobs within a radius of fifty miles of said pits and supply points; and coal from mines in the northern Colorado coal fields to Denver; to Valmont plant of the Public Service Company located near Boulder; to Great Western Sugar Company and Kuner-Empson plants located within a radius of fifty miles of Denver, and to points within ten miles of Denver.

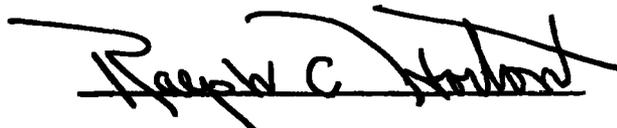
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 23rd day of May, 1956.

mls

original

(Decision No. 45834)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
C. A. EMERSON AND THEODORE EMERSON,  
DOING BUSINESS AS "EMERSON BROTHERS,"  
STRASBURG, COLORADO, FOR A CLASS "B"  
PERMIT TO OPERATE AS A PRIVATE CAR-  
RIER FOR HIRE.

APPLICATION NO. 14388-PP

-----  
May 23, 1956  
-----

Appearances: Charles W. Kenny, Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the present application filed April 25, 1956, the appli-  
cant 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, mixer and processing plants within a radius of fifty miles  
of said pits and supply points; sand and gravel, from pits and supply  
points in the State of Colorado, to railroad loading points, and to  
homes and small construction 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; insulrock, from pits and supply  
points in the State of Colorado, to roofing jobs within a radius of  
fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
May 16, 1956, and at the conclusion of the evidence, the matter was

taken under advisement.

Mr. Charles W. Kenny, the son-in-law of the applicant C. A. Emerson, appeared in support of the application. He testified that the applicants are brothers and in this operation will be partners. One of the brothers happened to be in Otis, Colorado, on business on the day of the hearing, while the other was in Colorado Springs on business, and Mr. Kenny, therefore, appeared in their behalf. The partners own a 1956 Chevrolet dump truck, and their net worth is approximately \$150,000. They do not intend to do the actual driving themselves, but will hire this done. They have regular work arranged with Blanchard Brothers Construction Company.

No one appeared in opposition to the granting of 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 C. A. Emerson and Theodore Emerson, doing business as "Emerson Brothers," Strasburg, 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 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the

State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

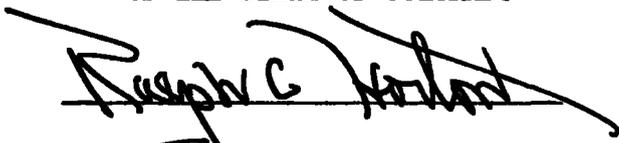
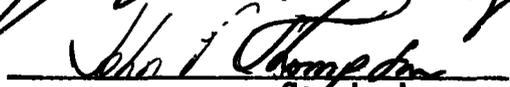
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JULIUS BUSSARD, DOING BUSINESS AS )	
"BUSSARD BUS SERVICE," 3395 SOUTH )	
LINCOLN STREET, ENGLEWOOD, COLORADO, )	<u>APPLICATION NO. 13991</u>
FOR PERMISSION TO ABANDON THE WEST- )	
WOOD BUS SERVICE. )	
----- )	

-----  
May 23, 1956  
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S T A T E M E N T

By the Commission:

The above-styled application was filed with the Commission on December 15, 1955, seeking permission to abandon bus service in Westwood, Colorado.

The Commission is now in receipt of a communication from Julius Bussard, applicant herein, stating he no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That applicant's request for dismissal of Application No. 13991 should be granted.

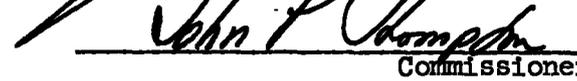
O R D E R

THE COMMISSION ORDERS:

That Application No. 13991 should be, and the same hereby is, dismissed, at request of applicant.

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 23rd day of May, 1956.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)
PETER B. KOOI, DOING BUSINESS AS	)
"INTERMOUNTAIN FREIGHT LINE," 29TH	)
AND BLAKE STREETS, DENVER, COLORADO,	)
FOR AUTHORITY TO LEASE, WITH OPTION	)
TO PURCHASE, PERMIT NO. A-807, TO	)
ROBERT H. STAGE AND LOREN L. ALBON,	)
CO-PARTNERS, DOING BUSINESS AS	)
"DENVER-LEADVILLE TRUCKING COMPANY,"	)
2601 WEST 14TH AVENUE, DENVER, COLO-	)
RADO.	)
-----	)

APPLICATION NO. 14413-PP-Lease

-----  
May 23, 1956  
-----

S T A T E M E N T

By the Commission:

By the above-styled application, Peter B. Kooi, doing business as "Intermountain Freight Line," Denver, Colorado, seeks authority to lease, with option to purchase, Permit No. A-807 to Robert H. Stage and Loren L. Albion, co-partners, doing business as "Denver-Leadville Trucking Company," Denver, Colorado.

The Commission is now in receipt of a communication from applicants, stating they do not desire to further prosecute said application, and requesting dismissal thereof.

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 Application No. 14413-PP should be, and the same hereby is, dismissed, at request of applicants.

This order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. Horton  
Joseph W. Stanley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ED A. JONES, 1361 KALAMATH ) PERMIT NO. B-2753  
STREET, DENVER, COLORADO. )  
----- )

-----  
May 3, 1956  
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S T A T E M E N T

By the Commission:

On November 1, 1955, the Commission entered its Decision No. 44863, authorizing the above-styled permit-holder to suspend operations under Permit No. B-2753 until May 3, 1956.

The Commission is now in receipt of a communication from wife of said permit-holder, requesting authority to further suspend operations under said permit for a period of six months, due to ill health of Ed A. Jones, owner of said permit.

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 Ed A. Jones, Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-2753 until November 3, 1956.

That unless said permit-holder 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

stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Raymond C. Hobart  
John P. Thompson  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of May, 1956.

ea

original

(Decision No. 45838)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BASILIO MADRID SANCHEZ, 2733 STOUT )	
STREET, DENVER, COLORADO, FOR AN )	APPLICATION NO. 14387-PP-Extension
EXTENSION OF PERMIT NUMBER B-4161. )	

-----  
May 23, 1956  
-----

Appearances: Basilio Madrid Sanchez,  
Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 34621, dated April 20, 1950, Basilio Madrid Sanchez, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

brick from point to point within a radius of ten miles of Denver, Colorado, excluding therefrom service to or from Golden, Arvada, and Lakewood, Colorado,

said operating rights being known as "Permit No. B-4161."

By application filed April 25, 1956, Mr. Sanchez seeks authority to extend operations under Permit No. B-4161 to include 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within

a radius of fifty miles of said pits and supply points and coal from mines in northern Colorado coal fields to Denver; to Valmont plant of Public Service Company, near Boulder; Kuner-Empson Company, and Great Western Sugar Company plants within a fifty mile radius of Denver and to Rocky Mountain Arsenal, located northeast 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, May 16, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application. He stated that he has for many years engaged in hauling brick for a local brick company, but that they have now made other arrangements. He expects to be able to go to work hauling sand, gravel and other materials for Northwest Engineering Company, if he gets the authority he seeks. He owns a 1952 Chevrolet dump truck. His net worth is approximately \$4,000. He is well experienced in this type of work having driven this type of equipment more than 15 years.

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:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the authority sought should be granted.

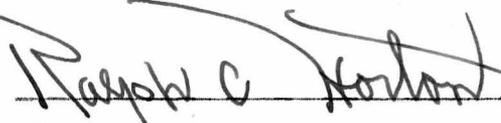
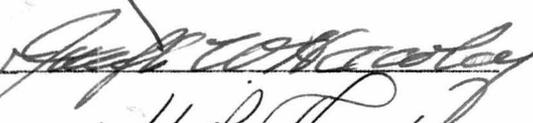
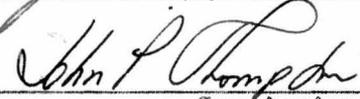
O R D E R

THE COMMISSION ORDERS:

That Basilio Madrid Sanchez, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4161, to include 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points and coal from mines in northern Colorado coal fields to Denver; to Valmont plant of Public Service Company, near Boulder; Kuner-Empson Company, and Great Western Sugar Company plants within a fifty mile radius of Denver and to Rocky Mountain Arsenal, located northeast of Denver, 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 23rd day of May, 1956.

mls

1  
Application

(Decision No. 45839)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
SPORTSMANS RESORT SERVICE, INC., }  
HIDEAWAY PARK, GRAND COUNTY, COLO- }  
RADO, FOR A CERTIFICATE OF PUBLIC }  
CONVENIENCE AND NECESSITY TO OPER- }  
ATE AS A COMMON CARRIER BY MOTOR }  
VEHICLE FOR HIRE. }

APPLICATION NO. 14279

-----  
May 23, 1956  
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Appearances: Harold D. Torgan, Esq., Den-  
ver, Colorado, for Appli-  
cant.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, to engage in the business of operating a taxi service, to transport passengers, together with their baggage, from and to points located in Grand County, Colorado, only.

Said application was regularly set for hearing before the Commission, at ten o'clock A. M., April 17, 1956, at the Court House, Hot Sulphur Springs, Colorado, due notice thereof being forwarded to all parties in interest.

On April 10, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner indicates that at the hearing, James W. Bowermaster testified that he is President of Applicant herein; that his company is incorporated, and empowered in its Articles of Incorporation to engage in taxicab business; that there is no public transportation for passengers and their baggage by taxicab in Grand County, and that there is presently a need therefor; that he has had many requests for such service; that requests have come from resort owners; that during the skiing season, there is a demand for such service for transportation of passengers off weekend ski trains; that there is a demand for service between towns, from towns to resorts and lodges; that applicant owns and operates one station wagon, and was financially able to purchase any additional equipment required.

Al Hunziker, owner and operator of the Grand Hotel, at Granby, Colorado, testified that he was appearing in support of the application; that there is a demand for service by his hotel guests, seeking transportation between points in Grand County.

Max Ostranger, of Winter Park, Grand County, Colorado, testified that he has a food concession at Winter Park; that people who do not have their own cars have no means of getting around, and that there is a definite need for taxi service in Grand County, as proposed by applicant herein.

Lee R. Wigginton testified that he operates a sporting goods store in Granby, Colorado; that there is a need for taxi service in Granby, and between Granby and Grand Lake, in Grand County, Colorado.

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

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant herein, as set forth in the Order following.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Sportsmans Resort Service, Inc., a corporation, Hideaway Park, Grand County, Colorado, for the transportation of passengers and their hand baggage, between points in Grand County, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

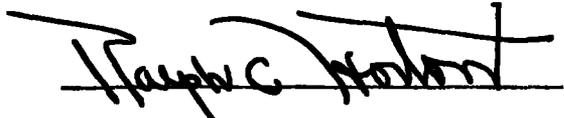
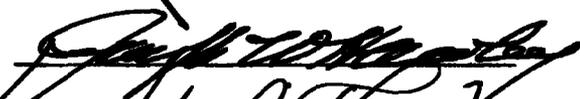
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

That 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 23rd day of May, 1956.

mls

original

(Decision No. 45840)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MOUNTAIN PARKS ELECTRIC, INC., A )	
CORPORATION, GRANBY, COLORADO, FOR )	
AN ORDER AUTHORIZING THE ISSUANCE )	APPLICATION NO. 14353-Securities
OF SECURITIES, AND THE APPLICATION )	<u>SUPPLEMENTAL ORDER</u>
OF THE PROCEEDS THEREFROM TO CER- )	
TAIN LAWFUL PURPOSES. )	
----- )	

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May 24, 1956  
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Appearances: George J. Bailey, Esq.,  
Walden, Colorado,  
for applicant;  
A. L. Mueller, Esq.,  
Denver, Colorado, and  
E. R. Thompson, Denver,  
Colorado, for the  
Commission.

S T A T E M E N T

By the Commission:

On May 15, 1956, by Decision No. 45811, the Commission issued its Order in the above-entitled matter.

In summarizing the testimony of Mr. Bruce McKenzie, General Manager, the Commission, on page 2 of its Statement, on lines 13 and 14 thereof, inadvertently stated as follows:

"\$210,000 for system service improvements and working capital."

The statement quoted above should have read "\$210,000 for system improvements." It is not the intent of applicant to use said funds for working capital.

In view of the above, the Statement by the Commission should be changed to agree with the facts.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 45811 should be amended nunc pro tunc to conform to the facts, as set forth in the Order following.

O R D E R

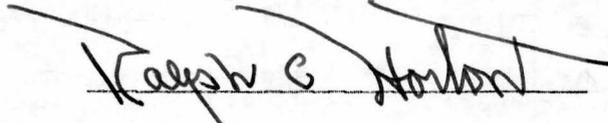
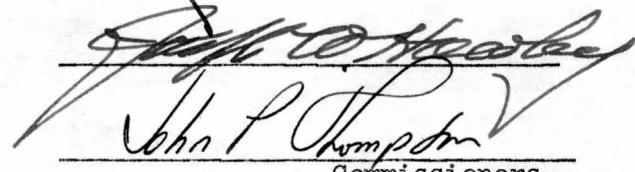
THE COMMISSION ORDERS:

That Decision No. 45811, of date May 15, 1956, should be, and the same hereby is, amended, nunc pro tunc, as of said 15th day of May, 1956, by deleting therefrom the words "and working capital," appearing in Lines 13 and 14, on Page 2 of said Decision, so that said 13th and 14th lines of Page 2 of Decision No. 45811, as amended, shall read:

"\$210,000 for system service improvements."

That, except as herein amended, Decision No. 45811 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of May, 1956.

ea

original

(Decision No. 45841)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
LOWELL TURNER, L. H. MILLER, RITA )	
GREENOUGH AND GERALD L. STAPP, PRO )	
SE, WHO ARE ACTING INDIVIDUALLY AND )	
ON BEHALF OF ALL OTHER PERSONS SIM- )	
ILARLY SITUATED AND ON BEHALF OF )	APPLICATION NO. 14434
THE HARVEY PARK IMPROVEMENT ASSOC- )	
IATION, INC., A COLORADO CORPORATION, )	
RE DENVER TRAMWAY SERVICE. )	
----- )	

-----  
May 24, 1956  
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S T A T E M E N T

By the Commission:

On April 9, 1956, there was filed with the Commission by the above-named applicants, an application titled: "Request for Extension and Improvement of Tramway Service in the Harvey Park Area."

Numerous other requests, dating to December, 1955, have been made, emphasizing also that the area was being rapidly developed and that new residents were seriously handicapped by the absence of public transportation.

The above requests, and the petition as filed by Harvey Park Improvement Association have all been submitted to our staff for investigation and, as a result, independent investigations have been made by representatives of the City and County of Denver, The Denver Tramway Corporation, and the staff of this Commission. Much of the data as secured thereby has been reviewed by the Traffic Service Committee appointed by this Commission, consisting of Jack Bruce, Denver Traffic Engineer for the City and County of Denver; W. A. Baker, General Manager of The Denver Tramway Corporation; and J. L. McNeill, Transportation Engineer for the Commission. The Service Committee has

also made its own investigation and report, in part, as follows:

"Because of the irregular terrain involving steep hills and some fair-sized lakes in the area, it became apparent that service must, of necessity, be in the form of extensions to the lines now bordering the area, namely:

Route 60 - terminating now at West Jewell and South Wolff Street, and

Route 18 - Brentwood, now terminating at South Irving and West Yale."

It appears also in the Service Committee report that the proposed extensions would be as follows:

North Harvey Park - Route No. 60:

From present terminal at West Jewell and South Wolff, extend the line southward on South Wolff to West Evans, thence to South Xavier, thence to West Harvard, thence to South Yates, thence to West Warren, thence to South Xavier and return.

South Harvey Park - Route No. 18:

Depart from present route at West Evans and South Irving and continue westward on West Evans to South Lowell, thence to West Yale, thence to South Patton Court, thence to West Amherst, thence to South Yates, thence to West Bates, thence to South Zenobia, thence to West Amherst and return.

Relative to the line change from South Irving to South Lowell, the Committee reports:

"The westward growth beyond South Lowell Boulevard (the former City Limit line) has placed residents in that area as far as 12 blocks away from the Route No. 18 line, now operating on South Irving Street. In order to remedy this situation, it is proposed to shift the No. 18 Route from South Irving Street and operate on South Lowell Boulevard between West Evans and West Yale streets."

In this manner, it is proposed that a greater volume of people may be served with a minimum of inconvenience to the present patrons.

The Committee reports further, and makes the recommendation as follows:

"Again, there is the question of patronage and costs, and it is our belief a trial operation is the most dependable means to accurately determine rider support and riding habits."

"It is therefore the recommendation of your Service Committee that the Commission:

"(1) Grant a temporary permit authorizing a trial operation in order to determine actual patronage and revenues on the basis set forth herein. That this proposed service be established only with the understanding that the operation will be terminated at the end of a thirty-day trial period if there is not sufficient revenue to pay current operating expenses of approximately 49¢ per mile. That if patronage does not justify the continuance of the proposed service beyond the thirty-day period, it may be eliminated on three days' notice to the public in the area involved without a public hearing.

"(2) That if the costs of operation are met during the thirty-day trial period, then the trial operation may be further extended on a temporary basis to firmly establish the volume of patronage and to determine the most practical manner of incorporating the extension into the system. Again, if patronage does not justify continuance of the temporary service, it may be eliminated on three days' notice to the public in the area involved without a public hearing.

"(3) That in connection with any trial operation, there will be ample publicity throughout the area to be served describing the proposed service. That said publicity is to clearly specify the fact that the service is only on a trial basis.

"(4) That The Denver Tramway Company keep an accurate record of passengers carried on the proposed service, and forward a weekly statement of operations to the Commission, showing the results of this trial operation. Such statement will indicate the number of patrons, revenues, expenses, and passenger trend."

#### F I N D I N G S

##### THE COMMISSION FINDS:

Resulting from requests of residents in the Harvey Park Area; from information developed in a series of independent investigations by representatives of the City of Denver, The Denver Tramway Corporation, and this Commission, and finally from a report as submitted by our Traffic Service Committee, we have acquired extensive knowledge pertaining to the transportation needs of said district.

It appears that home construction is still under way in the whole general area, but that a relatively compact fringe residential development has been completed. The request for public transit facilities is readily understandable, but we still have the unknown element of patronage by those residents.

Therefore, on recommendation of our Service Committee, in order to determine the economic feasibility and justification for prescribing permanent transit service for the area, we will herewith authorize the institution and maintenance of a trial operation by The Denver Tramway Corporation, as follows:

1. Route and Extension:

North Harvey Park--Route No. 60: From present terminal at West Jewell and South Wolff, extend the line southward on South Wolff to West Evans, thence to South Xavier, thence to West Harvard, thence to South Yates, thence to West Warren, thence to South Xavier and return.

South Harvey Park--Route No. 18: Depart from present route at West Evans and South Irving and continue westward on West Evans to South Lowell, thence to West Yale, thence to South Patton Court, thence to West Amherst, thence to South Yates, thence to West Bates, thence to South Zenobia, thence to West Amherst and return.

2. Conditions:

(a) Grant a temporary permit authorizing a trial operation in order to determine actual patronage and revenues on the basis set forth herein; that this proposed service be established only with the understanding that the operation will be terminated at the end of a thirty-day trial period if there is not sufficient revenue to pay current operating expenses of approximately 49¢ per mile; that if patronage does not justify the continuance of the proposed service beyond the thirty-day period, it may be eliminated on three days' notice to the public in the area involved without a public hearing.

(b) That if the costs of operation are met during the thirty-day trial period, then the trial operation may be further extended on a temporary basis to firmly establish the volume of patronage and to determine the most practical manner of incorporating the extension into the system. Again, if patronage does not

justify continuance of the temporary service, it may be eliminated on three days' notice to the public in the area involved without a public hearing.

(c) That in connection with any trial operation, there will be ample publicity throughout the area to be served describing the proposed service. That said publicity is to clearly specify the fact that the service is only on a trial basis.

(d) That The Denver Tramway Corporation keep an accurate record of passengers carried on the proposed service, and forward a weekly statement of operations to the Commission showing the results of this trial operation. Such statement will indicate the number of patrons, revenues, expenses, and passenger trend."

The routings as prescribed herein are in the nature of tentative proposals and shall be subject to approval and issuance of appropriate permits by the City and County of Denver.

Further, the Commission recognizes that the commencement of a trial service, as proposed herein, must, of necessity, be subject to completion of the permit requirements as noted above, and the other formalities relative to labor agreements, location of bus stops, preparation of time schedules and operating details to be completed by Tramway; we will therefore only prescribe that service be started as soon as all operating details can be fully completed.

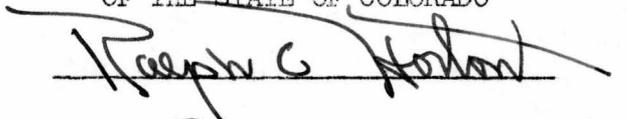
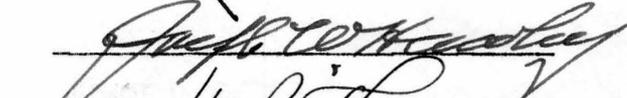
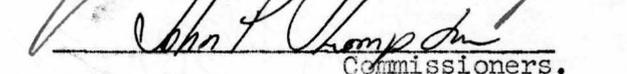
O R D E R

THE COMMISSION ORDERS:

That The Denver Tramway Corporation should be, and hereby is, permitted to institute service in accordance with the Findings hereinbefore set forth, which are made a part hereof, by reference.

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 24th day of May, 1956.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. M. WEBSTER, DOING BUSINESS AS )  
"C & H EXPRESS," 174 HAZEL COURT, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 14254

-----  
May 24, 1956  
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Appearances: Paul A. Johnson, Esq.,  
Denver, Colorado, for  
Applicant;  
Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Bekins Van and Storage  
Company, Buehler Transfer  
Company, Johnson Storage  
and Moving Company;  
Barry and Hupp, Esqs.,  
Denver, Colorado, for  
Englewood Transfer  
Company;  
E. B. Evans, Esq., Denver,  
Colorado, for Westway  
Motor Freight, Inc., Rein  
Milk Transport, Brighton-  
Fort Lupton Transfer;  
H. D. Hicks, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Howard Yelverton, Colorado  
Springs, Colorado, for  
Goldstein Refrigeration  
Line.

S T A T E M E N T

By the Commission:

By the above-styled application, C. M. Webster, doing  
business as "C & H Express," Denver, Colorado, seeks a certifi-  
cate of public convenience and necessity to operate as a common  
carrier by motor vehicle for hire, for the transportation of  
household goods, pianos, and supplies and equipment used by  
schools, to and from points in the City and County of Denver,  
State of Colorado, and from points in the City and County of

Denver, State of Colorado, to and from points in a ten-mile radius thereof, over irregular routes.

Said application was regularly set for hearing before the Commission, at ten o'clock A. M., April 9, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof being forwarded to all parties in interest.

On April 6, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing, C. M. Webster, applicant herein, testified that he has been in the transportation business in the City and County of Denver since 1950, and has received moving and cartage permits from the City and County of Denver for the Years 1951 to 1956, inclusive; that in such transportation business, he has transported general commodities, including household goods, appliances, and school supplies, forms, panels, and general building materials, within the City and County of Denver; that he owns and operates a one-ton truck, employs one man, and is financially able to render any service granted him by this Commission; that he has had requests for services outside the City and County of Denver, within a ten-mile radius thereof; that he transports form ties for Gates and Sons, Inc., general contractors, and that Gates and Sons, Inc. need his services outside the City and County of Denver; that he had not transported heavy commodities; that he maintains his office at his home.

David R. Wells, a Supervisor for Gates and Sons, Inc., testified that applicant has been transporting building materials,

including form ties, from his Company within the City and County of Denver; that on jobs outside the City of Denver, they desired applicant's services; that this was a specialized service, and that applicant was trained to handle the form ties; that while there might be other carriers who could render this service, he was satisfied with, and desired, applicant's services outside the City and County of Denver.

No other shipper-witnesses appeared to support the application for service outside the City and County of Denver.

In opposition, H. D. Hicks, Traffic Manager for Weicker Transfer and Storage Company, testified that he had been employed by Weicker as Traffic Manager for ten years; that his company had authority to serve in all the territory sought in the instant application; that his company operates 260 pieces of equipment, including those upon which the form ties used by Gates and Sons, Inc. could be transported, and that they had specially-trained men who could render this type of service.

Barry Bekins, of Bekins Van and Storage Company, Bruce Robbins, of Buehler Transfer Company, Raymond W. Johnson, of Johnson Storage and Moving Company, Harry Bernham, of Amick Transfer and Storage Company, testified that they were movers of household goods, and had other authority which would cover the territory sought to be served by applicant herein; that each has sufficient equipment to properly serve the territory, and that there was no need for additional service in this territory.

Ken Williamson, Manager of Westway Motor Freight, Inc., testified that his company could serve part of the authority sought in the instant application; that he had 29 pieces of equipment, including three flat beds; that there was no need for additional authority 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.

Report of the Examiner states that applicant is a fit and proper person to conduct the proposed operation, has sufficient equipment, and is financially able to perform the services sought by the instant application; that he is engaged in the transportation of general commodities in the City and County of Denver, except transportation of heavy commodities, and was so engaged on January 1, 1955, being the effective date of Constitutional Amendment giving The Public Utilities Commission of the State of Colorado jurisdiction over public utilities in home-rule cities, thereby establishing "Grandfather Rights;" that applicant failed to prove public convenience and necessity for any services outside the City and County of Denver; that no shipper-witness appeared in support of the application for such outside service, except Witness David R. Wells, for Gates and Sons, Inc., whose testimony went to the need of his company for a special service, which would be in the nature of service being rendered by Private Carriers; that, had the application been for private carrier authority, Examiner Carter would have recommended that such authority be granted to applicant, to serve Gates and Sons, Inc.; that it would not be in the public interest to grant a common carrier certificate to serve one customer outside the City and County of Denver; that there is no proof of need for additional authority outside the City and County of Denver.

Report of the Examiner recommends that applicant be granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of C. M. Webster, doing business as "C & H Express," Denver, Colorado, for the transportation of general commodities, between points in the City and County of Denver, excepting therefrom the transportation of commodities which, because of size or weight, require the use of special equipment, 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.

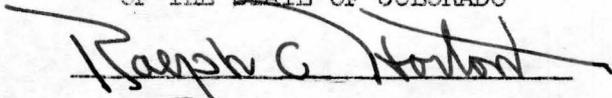
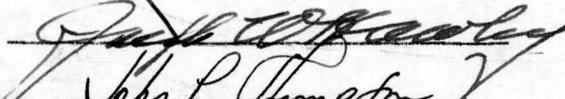
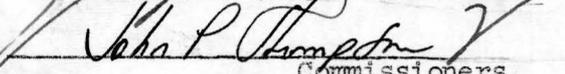
That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That said application, in all other respects, 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 24th day of May, 1956.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES A. LEONARD, DOING BUSINESS )  
AS "BAKER MOVING AND STORAGE COM- )  
PANY," 2041 SOUTH NAVAJO STREET, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 14253

-----  
May 24, 1956  
-----

Appearances: Charles A. Leonard, Denver,  
Colorado, pro se;  
Harold D. Torgan, Esq., Den-  
ver, Colorado, for Bekins  
Van and Storage Company,  
Amick Transfer and Storage  
Company, Buehler Transfer  
Company, Johnson Storage  
and Moving Company, Gold-  
stein Refrigerator Line,  
Nicolli Warehousing Company,  
Wandell and Lowe Transfer  
and Storage Company, Cowen  
Transfer and Storage Com-  
pany;  
Barry and Hupp, Esqs., Denver,  
Colorado, for McCann  
Brothers Moving and Storage  
Company;  
E. B. Evans, Esq., Denver,  
Colorado, for Airline Ex-  
press, Inc., Boulder-Denver  
Truck Line, Westway Motor  
Freight, Inc.;  
H. D. Hicks, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Charles A. Leonard, doing  
business as "Baker Moving & Storage Company," Colorado Springs, Colo-  
rado, seeks a certificate of public convenience and necessity, auth-  
orizing the conduct of a moving and general cartage business in the

Denver Metropolitan Area, and a radius of ten miles thereof; the Colorado Springs Metropolitan Area, and a radius of ten miles thereof, with rights of pick-up and delivery on Highway No. 85-87 between these two cities.

Said application was regularly set for hearing before the Commission, at ten o'clock A. M., April 9, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice of the time and place of said hearing being forwarded to all parties in interest.

Prior to said hearing, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing, applicant testified that he is the owner of Baker Moving and Storage Company; that he has been in business in the City and County of Denver for about four and one-half years, and is engaged in the transportation of used household furniture, appliances, and used office furniture and equipment, and new furniture from stores; that he has had requests for service in the Denver Metropolitan Area, and has made some illegal deliveries into that district; that he has had some requests for service between Denver and Colorado Springs; that he opened an office in Colorado Springs, in November, 1955, for the purpose of developing interstate business; that he has an office and storage place at 2441 South Navajo Street, Denver; that he owns five pieces of equipment suitable for transportation services sought by his instant application.

At the conclusion of applicant's testimony, protestants herein moved that the instant application be dismissed, save and except any

"Grandfather Rights" established, which motion was taken under advisement.

R. B. McCann, for McCann Brothers Moving and Storage Company; St. George Tucker, for Wandell and Lowe Transfer and Storage Company; and Harry Rouse, for Nicoll Warehousing Company, all of Colorado Springs, testified that they were all certificated carriers, with authority to conduct moving and transfer businesses in the City of Colorado Springs, and have call and demand authority outside thereof; that they have sufficient equipment to meet the public demands; that there is no need for additional service, and that the granting of any new authority would affect their ability to continue to serve as common carriers.

A. Bruce Robins, President of Buehler Transfer Company, and Barry Bekins, Secretary-Treasurer of Bekins Van and Storage Company, both of Denver, Colorado, testified that they can serve the Metropolitan Area of Denver; that they have sufficient equipment, and can handle additional business; that the granting of this application would affect their ability to properly serve as common carriers.

Howard D. Hicks, Traffic Manager of Weicker Transfer and Storage Company, testified that his company can serve in all the territory sought to be served by the instant application; that his company has two hundred and sixty pieces of equipment, including thirty-five vans, for the transportation of household goods; that there is no need for additional carriers.

The Examiner's report states that applicant is engaged in the transportation of used household goods and furniture, new furniture from stores to customers residing in the City and County of Denver, and new and used office furniture and appliances, all in the City and County of Denver; that he was so engaged on January 1, 1955, being the effective date of Constitutional Amendment giving The Pub-

lic Utilities Commission of the State of Colorado jurisdiction over public utilities in home-rule cities, thereby establishing "Grandfather Rights;" that applicant failed to prove that he was in operation as a common carrier by motor vehicle in the City of Colorado Springs prior to January 1, 1955, and therefor had no "Grandfather Rights" in said city; that applicant has failed to prove public convenience and necessity to serve as a common carrier, as set forth in his application, within a radius of ten miles of Denver, for the right to serve within a ten-mile radius of Colorado Springs, and for the right to serve between Denver and Colorado Springs, Colorado.

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

Report of the Examiner recommends that a certificate of public convenience and necessity should issue to applicant herein, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Charles A. Leonard, doing business as "Baker Moving & Storage Company," Denver,

Colorado, for the transportation of used household goods, new and used furniture, new and used office furniture and appliances, between points within the City and County of Denver, State of Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

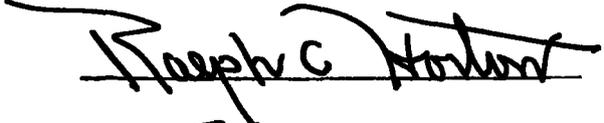
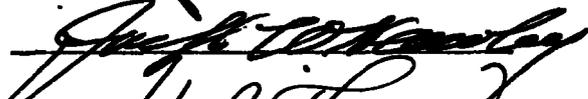
That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

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

That the instant application, in all other respects, should be, and the same hereby is, denied.

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 24th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
RONALD ROBEN, 16051 EAST COLFAX  
AVENUE (ROUTE 3, BOX 106), AURORA,  
COLORADO, FOR A CLASS "B" PERMIT TO  
OPERATE AS A PRIVATE CARRIER BY  
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 13695-PP

-----  
May 24, 1956  
-----

Appearances: Ronald Roben, Aurora, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Ronald Roben, Aurora, Colo-  
rado, 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 surfacing 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; transportation of sand, gravel, and other  
road-surfacing materials, from pits and supply points in the State of  
Colorado, to mixer and processing plants within a radius of fifty miles  
of said pits and supply points; transportation of sand and gravel, from  
pits and supply points in the State of Colorado, to railroad loading  
points, and to homes and small construction jobs within a radius of  
fifty miles of said pits and supply points; transportation of insulrock,  
from pits and supply points in the State of Colorado, to roofing jobs  
within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that at the hearing applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs, and to cement-mixer plants; that the demand for such transportation was brought about by the large increase in road-construction and in building-construction; that he was financially able, and had sufficient equipment to render the service sought by his application.

E. B. Bell, Assistant Manager for the Fairplay Motor Company, testified that his company had authority to render the service sought in the instant application between points within a twenty-mile radius of Alma, Colorado; that his company had the type of equipment necessary to render said service, and that said company was ready and willing to meet any demand for such service; that any loss of business would materially affect his company's ability to continue to serve said territory.

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

Report of the Examiner indicates that from the testimony and record, there appears to be a need for authority sought by applicant,

except that, upon questioning by said Examiner, applicant stated he had no customers within the area of twenty miles of Alma, Colorado, and did not know of any projects that might begin in the immediate future within said area; that Fairplay Motor Company has authority to serve within said twenty-mile radius of Alma, and that there is no present need for additional motor carrier service in this area, and no customer of applicant seeks additional services.

Report of the Examiner recommends that permit should issue to applicant herein, as limited by the following Order.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Ronald Roben, Aurora, 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 surfacing 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; transportation of sand, gravel, and other road-

surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding any service within a radius of twenty miles of Alma, Colorado.

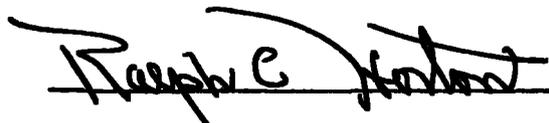
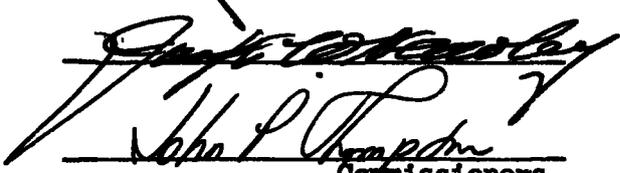
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 24th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ANTONIO E. GARCIA, LA JARA, )  
CDLORADO. )  
----- )

PERMIT NO. M-1817

-----  
May 25, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Antonio E. Garcia

requesting that Permit No. M-1817 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1817, heretofore issued to \_\_\_\_\_

Antonio E. Garcia \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 22, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert W. ...*  
*John P. ...*  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PHIL S. BOWE, 311 SOUTH 5TH )  
AVENUE, STERLING, COLORADO. )  
)  
)  
-----)

PERMIT NO. M-2631

-----  
May 25, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Phil S. Bowe

requesting that Permit No. M-2631 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2631, heretofore issued to \_\_\_\_\_  
Phil S. Bowe \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective January 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. ...*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 1956.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
OSAGE COAL CO., P. O. BOX 36,  
COLUMBUS, KANSAS.

PERMIT NO. M-3198

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-----  
STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Osage Coal Co.

requesting that Permit No. M-3198 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3198, heretofore issued to \_\_\_\_\_  
Osage Coal Co. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective May 21, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert C. ...*  
*John P. ...*  
Commissioners

Dated at Denver, Colorado,

this 25th day of May, 1956.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES & AYAKO KISHIYAMA, DOING )  
BUSINESS AS "BRIGHTON GROCERY & )  
MARKET," 12 SOUTH FIRST AVENUE, )  
BRIGHTON, COLORADO. )

PERMIT NO. M-3347

May 25, 1956

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Charles & Ayako Kishiyama, dba "Brighton Grocery & Market,"  
requesting that Permit No. M-3347 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3347, heretofore issued to \_\_\_\_\_  
Charles & Ayako Kishiyama, dba "Brighton Grocery & Market," \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective February 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Nolan*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 25th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

R. V. EVANS, DOING BUSINESS AS  
"EVANS SUPPLY CO.," TIMNATH,  
COLORADO.

PERMIT NO. M-5882

-----  
May 25, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

R. V. Evans, dba "Evans Supply Co."

requesting that Permit No. M-5882 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5882, heretofore issued to \_\_\_\_\_

R. V. Evans, dba "Evans Supply Co." \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective May 11, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Heston*  
\_\_\_\_\_  
*John W. Spear*  
\_\_\_\_\_  
*John R. ...*  
\_\_\_\_\_

Dated at Denver, Colorado,

this 25th day of May, 195 6.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

HOBBS MANUFACTURING CO., 609 - 33 )  
NORTH MAIN, FORT WORTH, TEXAS. )

PERMIT NO. M-6983

-----  
May 25, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Hobbs Manufacturing Co.

requesting that Permit No. M-6983 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6983, heretofore issued to \_\_\_\_\_  
Hobbs Manufacturing Co. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective April 16, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Hart*  
\_\_\_\_\_  
*John L. Thompson*  
\_\_\_\_\_  
*John L. Thompson*  
\_\_\_\_\_

Dated at Denver, Colorado,

this 25th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN D. AHONEN, RT. #2, BOX 5, ) APPLICATION NO. 13652-PP  
IRONWOOD, MICHIGAN. )  
----- )

-----  
May 25, 1956  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John D. Ahonen, requesting that his Class "B" permit, granted in Application No. 13652-PP, Decision No. 44671, under date of September 29, 1955, 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 Class "B" permit, granted John D. Ahonen, in the above-numbered application, Decision No. 44671, under date of September 29, 1955, be, and the same hereby is, declared cancelled, effective May 15, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hart  
John P. Thompson

Commissioners.

Dated at Denver, Colorado,  
this 25th day of May, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EUIL L. HIGGINS, ROUTE 2, BOX )  
625, PUEBLO, COLORADO. )  
----- )

PUC NO. 2785  
CASE NO. 74793-INS.

-----  
May 25, 1956  
-----

S T A T E M E N T

By the Commission:

On December 20, 1955, in Case No. 74793-INS., the Commission entered its decision, revoking PUC No. 2785 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 2785 should be, and the same hereby is, reinstated, as of December 20, 1955, revocation order entered by the Commission on said date in Case No. 74793-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horkent  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of May, 1956.

equal

(Decision No. 45853)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HOME LIGHT AND POWER COMPANY, 810 - )  
9TH STREET, GREELEY, COLORADO, A )  
COLORADO CORPORATION, FOR A CERTIFI- )  
CATE OF CONVENIENCE AND NECESSITY )  
TO EXERCISE FRANCHISE RIGHTS IN THE )  
TOWN OF EATON, COUNTY OF WELD, STATE )  
OF COLORADO, FOR THE PURCHASE, GENER- )  
ATION, TRANSMISSION, DISTRIBUTION )  
AND SALE OF ELECTRICITY IN SAID TOWN, )  
IN THE AREA CONTIGUOUS THERETO, AND )  
ALONG THE TRANSMISSION LINE TO THE )  
TOWN. )  
----- )

APPLICATION NO. 14339

-----  
May 25, 1956  
-----

Appearances: Kelly and Clayton, Esqs.,  
Greeley, Colorado, by  
John R. Clayton, Esq.,  
for Home Light and  
Power Company;  
J. L. McNeill, Denver,  
Colorado, and  
Everett R. Thompson,  
Denver, Colorado, for  
the Commission.

S T A T E M E N T

By the Commission:

By the instant application, Home Light and Power Company, hereinafter called "Applicant," seeks a certificate of public convenience and necessity to exercise certain franchise rights in the Town of Eaton, County of Weld, State of Colorado, for the purchase, generation, transmission, distribution and sale of electricity in said Town, in the area contiguous thereto, and along the transmission line to the Town.

The matter was set for hearing, and heard, after due notice to all interested parties, on Friday, May 18, 1956, at 330 State Office Building, Denver, Colorado, and at the conclusion of the hearing, the Commission took the matter under advisement.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to jurisdiction of this Commission, engaged primarily in the purchase, generation, transmission, distribution and sale of electric energy in Weld County, Colorado. A certified copy of Applicant's Composite Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with the Commission.

Testimony at the hearing revealed that Applicant and its predecessor have been rendering electric service in the Town of Eaton, and in the area contiguous thereto, for approximately fifty years. The files of the Commission reveal that by Application No. 6646, Decision No. 22413, of June 26, 1944, Applicant obtained a certificate of public convenience and necessity authorizing electric service in a portion of Weld County which would include territory around the Town of Eaton. On March 12, 1956, the Board of Trustees of the Town of Eaton duly passed and adopted Ordinance No. 244 of the Town of Eaton, entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF EATON, WELD COUNTY, COLORADO, TO HOME LIGHT AND POWER COMPANY, A CORPORATION, ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF EATON, A PLANT OR PLANTS, SUBSTATIONS AND WORKS, FOR THE GENERATION, PURCHASE, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF EATON, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT, AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS, AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF EATON, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The term of said franchise expires on November 10, 1972. A copy of said franchise, together with proof of publication, and formal acceptance by Applicant of said franchise, was introduced

at the hearing as Exhibit Nos. 1, 2 and 3, respectively, and, by reference, are made a part hereof.

The population of the Town of Eaton is estimated to be 1,280, and Applicant is presently serving approximately 500 customers in said Town.

Further testimony at the hearing revealed that Applicant expects the load to increase approximately 2.6 times during the life of the franchise. Because of the expected load growth, Applicant has been rebuilding its system and changing it from Delta to Wye. Applicant has already rebuilt 14 blocks in the Town, and installed service to 12 additional blocks. During the life of the franchise, Applicant expects to rebuild 20 additional blocks and to install new service to approximately 18 new blocks. Additional feeder capacity will be installed, together with new, larger transformer and substation capacity to serve both the old and new sections. To accomplish the above, Applicant estimated that it will spend \$103,500 for new capital additions during the life of the franchise. The figure of \$103,500 will be used as the basis for the charge for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

In addition to serving the Town of Eaton, Applicant has been rendering electric service in the area contiguous thereto and along the line of the transmission line supplying said Town. It has been rendering this service over a long period of time also.

The Commission has reviewed the instant application and the evidence presented by Applicant in support thereof. The Commission is of the opinion that the authority herein sought should be granted.

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

## F I N D I N G S

### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, the Home Light and Power Company, and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof, by reference.

That public convenience and necessity require, and will require, the exercise by the Home Light and Power Company of the franchise rights granted in and by Ordinance No. 244 of the Town of Eaton, dated March 12, 1956, for the purchase, generation, transmission, distribution and sale of electricity in said Town, in the area contiguous thereto, and along the transmission line to said Town.

## O R D E R

### THE COMMISSION ORDERS:

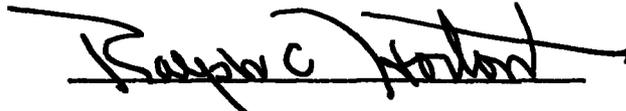
That the public convenience and necessity require, and will require, the exercise by the Home Light and Power Company of the franchise granted in and by Ordinance No. 244 of the Town of Eaton, State of Colorado, dated March 12, 1956, marked as Exhibit No. 1 herein, which, by reference, is made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Home Light and Power Company in said Town, in the area contiguous thereto, and along the transmission line to said Town, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Home Light and Power Company shall install, operate and maintain its electric system and supply service in the areas heretofore designated in accordance with its schedules of electric rates, classifications, rules and regulations now on file with this Commission, or as the same may be changed according to law and the rules and regulations of this Commission.

That Home Light and Power Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints shall continue to be kept in accordance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of May, 1956.

ea

original

(Decision No. 45854)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
NATHAN GOLDSTEIN, 2990 CLERMONT )	
STREET, DENVER, COLORADO, FOR AUTH- )	
ORITY TO TRANSFER PERMIT NO. A-787 )	
TO GOLDSTEIN TRANSPORTATION AND )	
STORAGE, INC., 3434 WALNUT STREET, )	APPLICATION NO. 13590-PP-Transfer.
DENVER, COLORADO. )	<u>SUPPLEMENTAL ORDER</u>
----- )	

-----  
May 25, 1956  
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Appearances: Marion F. Jones, Esq.,  
Denver, Colorado,  
and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for  
Applicants;  
A. J. Fregeau, Denver, Colo-  
rado, for Weicker Transfer  
and Storage Company.

S T A T E M E N T

By the Commission:

Under date of September 22, 1955, by Decison No. 44647,  
Nathan Goldstein, 2990 Clermont Street, Denver, Colorado, was  
authorized to transfer all of his right, title and interest in  
and to Permit No. A-787 to Goldstein Transportation and Storage,  
Inc., a corporation, of Denver, Colorado. In that decision,  
which authorized the transfer of the operating rights embraced  
in Private Carrier Permit No. A-787, this Commission found that  
the consideration for the transfer of the permit was to be the  
issuance to Nathan Goldstein of ten thousand shares of stock of  
the transferee corporation, Goldstein Transportation and Storage, Inc.

Subsequently, and under date of May 14, 1956, the attorneys  
for the transferee corporation, Goldstein Transportation and Stor-  
age, Inc., have filed its "Petition for Modification of Order,"  
requesting that this Commission approve the transaction between  
Nathan Goldstein and Goldstein Transportation and Storage, Inc.,

in a different form than that proposed at the hearing which was held on the transfer. The transferee corporation now requests approval of this Commission of its payment to said Nathan Goldstein of \$400.00 cash and tendering to Nathan Goldstein its promissory note in the amount of \$3,500.00, bearing interest at four per cent, payable on or before April 25, 1959. This payment for Permit No. A-787 would be in lieu of the delivery of the ten thousand shares of stock as proposed at the hearing on the transfer. It is stated in the "Petition for Modification of Order" that this variation of the transaction between Nathan Goldstein and Goldstein Transportation and Storage, Inc. is caused by virtue of certain objections raised to the transaction by the Interstate Commerce Commission. No party to the proceedings contest this statement and the Commission finds that this is the case.

The Commission is in receipt of a letter dated May 9, 1956, signed by Nathan Goldstein, wherein he states substantially the above facts, and further states his acquiescence in the change in the method of payment for Private Carrier Permit No. A-787. In this letter, Nathan Goldstein states that the statements made in the "Petition for Modification of Order" and the modification of the original agreement between himself and Goldstein Transportation and Storage, Inc. met with his entire satisfaction.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the proposed change in the method of payment by Goldstein Transportation and Storage, Inc. to Nathan Goldstein for the operating rights embraced in Private Carrier Permit No. A-787 is compatible with the public interest and should be authorized. The Commission further finds that that portion of Decision No. 44647, authorizing said transfer herein involved, which reads as follows:

"The consideration for the transfer is delivery to him of ten thousand shares of stock of the transferee corporation, . . . . ."

should read as follows:

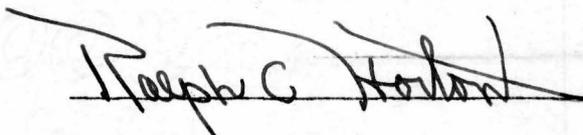
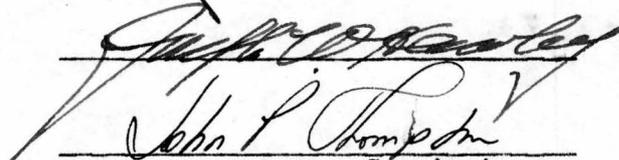
"The consideration for the transfer is \$3,900.00, to be paid as follows: \$400.00 cash, and a promissory note for \$3,500.00, bearing interest at four per cent, payable on or before April 25, 1959 . . . . ."

O R D E R

THE COMMISSION ORDERS:

That the statement in the Findings herein should be substituted for that portion of the Statement found in the original decision, being No. 44647, and that in all other respects, the Order contained in Decision No. 44647 shall remain as is.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of May, 1956.

ea

original

(Decision No. 45855)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CASEY JONES, DOING BUSINESS AS "DEN- )  
VER TRANSPORT," 1545 NINTH STREET, )  
BOULDER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 13990

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May 28, 1956  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for Applicant;  
Bruce Ownbey, Esq., Denver,  
Colorado, for Harley Melton;  
John C. Street, Esq., Denver,  
Colorado, for The Colorado  
and Southern Railway Company;  
Ernest Porter, Esq., Denver,  
Colorado, for The Denver and  
Rio Grande Western Railroad  
Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Casey Jones, doing business as "Denver Transport," Boulder, Colorado, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of petroleum products, in bulk, in tank trucks, between points in the State of Colorado, said operating rights herein sought to be in lieu of Permit No. B-2376, presently owned and operated by applicant.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 27, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 26, 1956, the Commission, as provided by law, desig-

nated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner shows that on December 7, 1955, Harley Melton, doing business as "B & M Company," filed application herein for permission to intervene in the instant proceedings, applicant's attorney objecting thereto; that the records and files show that applicant herein entered into an agreement with said Harley Melton, a copy of which is in the files of the Commission, which purports to be a lease, with option to purchase, Permit N . B-2376; that there is now pending before the District Court in and for the City and County of Denver, an action wherein Harley Melton is seeking specific performance of said option.

Casey Jones, doing business as "Denver Transport," is the owner of Permit No. B-2376, authorizing:

transportation of petroleum products, in bulk only, between points in the State of Colorado.

The Examiner denied Harley Melton right to intervene, upon the ground that the instant application was an original one, based upon proof of public convenience and necessity, and no lien or claim Melton might have against Permit No. B-2376 could be recognized in these proceedings. Thereupon, Melton made his offer of proof.

At the hearing, Casey Jones, applicant herein, testified that he is the owner of Permit No. B-2376; that under said operating rights he has been transporting petroleum products in the State of Colorado, and under common carrier authority, has been transporting petroleum products interstate; that he has been in said business since 1939; that he did not operate for a period of three years, and

for a period of one and one-half years had only one customer; that since October 15, 1954, his operation has been under an operating agreement with Harley Melton, using Melton's equipment; that he has not operated interstate for five years; that in the conduct of his business as a private carrier, he has operated with the following petroleum common carriers: R. B. "Dick" Wilson, Frank C. Klein and Company, Melton Transport, Collett Tank Lines, Ward Transport, and Nelson Brothers, performing the same services, serving some of the same customers, and issuing the same type of billing as the other carriers; that he has a G.M.C. Tractor and a trailer, both of which are ten years old; that this equipment was stored for four years; that if the instant application is granted, he is agreeable that Permit No. B-2376 be cancelled.

Report of the Examiner states that applicant has been operating as a private carrier by motor vehicle for hire, under Permit No. B-2376, transporting petroleum products between points in the State of Colorado; that applicant has been conducting a desultory operation under said permit, and that while applicant has worked along side common carriers delivering the same commodities, the evidence shows that for a period of three years he did not operate, and for another year and one-half period he had only one customer, and that since October 15, 1954, the permit has been operated by Harley Melton, conclusively shows that he was not rendering the same type, quantity, or quality of service offered by common carriers; that applicant did not produce any shipper witnesses, and failed to show public convenience and necessity for his proposed common carrier operation; that while Harley Melton was denied the right to intervene in this matter, the Examiner finds from the files that there is pending in the District Court in and for the City and County of Denver, an action which may result in said Court decreeing that Melton has some right in Permit No. B-2376, thereby nullifying applicant's offer

to cancel said permit, in the event authority herein sought is granted.

Report of the Examiner recommends that the instant application be denied.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant failed to establish public convenience and necessity.

That the above-styled application should be denied.

O R D E R

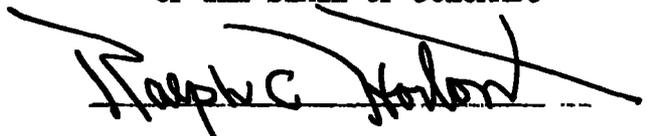
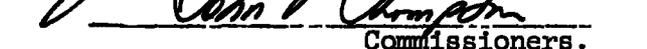
THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Application No. 13990 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 28th day of May, 1956.

mls

original

(Decision No. 45856)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ABE DIAMOND, DOING BUSINESS AS )  
"ACME FAST EXPRESS," 1622 IRVING )  
STREET, DENVER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

APPLICATION NO. 14312

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May 28, 1956  
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Appearances: Diamond and MacIntosh, Esqs.,  
Denver, Colorado, by  
Kenneth MacIntosh, Esq., Den-  
ver, Colorado, for Applicant;  
Harold D. Torgan, Esq., Denver,  
Colorado, for Duffy Storage  
and Moving Company, Johnson  
Storage and Moving Company;  
H. D. Hicks, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience  
and necessity to operate as a common carrier by motor vehicle for hire,  
for the transportation of furniture and household goods, new and used,  
electrical appliances, new and used, office furniture, new and used,  
and magazines, within the Corporate Limits of the City and County of  
Denver, State of Colorado.

Said application was regularly set for hearing before the  
Commission, at the hearing Room of the Commission, 330 State Office  
Building, Denver, Colorado, April 24, 1956, due notice thereof being  
forwarded to all parties in interest.

On April 23, 1956, the Commission, as provided by law, desig-  
nated Louis J. Carter, an employee of the Commission, to conduct the

hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing, applicant testified that he has been in the express and transportation business in the City and County of Denver for a period of nine years, transporting household goods, new and used office furniture, magazines, distribution of railroad carload shipments, and general express business; that he is not engaged in the transportation of heavy commodities; that he is the owner of a two and one-half International Van, and that his net worth is \$15,000.00.

From the record, it appears that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service sought in the instant application; that he has been engaged in the transportation of general commodities, except heavy commodities, in the City and County of Denver for the last nine years; that he was so engaged on January 1, 1955, being the effective date of Constitutional Amendment giving The Public Utilities Commission of the State of Colorado jurisdiction over public utilities in home-rule cities, thereby establishing Grandfather Rights.

Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant herein.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Abe Diamond, doing business as "Acme Fast Express," Denver, Colorado, for the transportation of general commodities, except commodities which, because of size or weight, require the use of special equipment, between points within the City and County of Denver, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

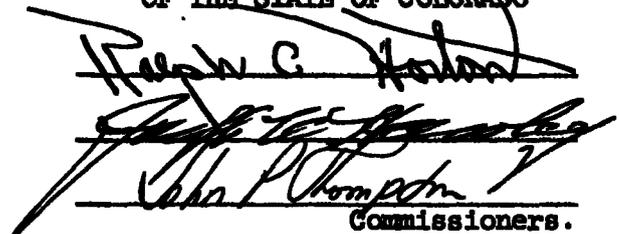
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate 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 28th day of May, 1956.

original

(Decision No. 45857)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
FLOYD EARL BOTTS, 262 ELATI STREET,	)	
DENVER, COLORADO, FOR A CLASS "B"	)	
PERMIT TO OPERATE AS A PRIVATE	)	APPLICATION NO. 14322-PP
CARRIER BY MOTOR VEHICLE FOR HIRE.	)	
-----	)	

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May 28, 1956  
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Appearances: Floyd Earl Botts, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 27, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 26, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing, applicant testified that he is engaged in the transportation of sand and gravel for Winslow Construction Company, H & W Paving Company, and Esco Paving Company, under temporary authority issued by this Commission; that he has had requests for transportation of these and other commodities set out in his application; that he is the owner of a 1955 Ford Dump Truck, and his net worth is \$6,000.00; that he will obey the laws and the Commission's rules and regulations, if granted authority to operate.

The Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to perform the services sought in his application; that there is a need for this type of transportation service, and that no common carrier would be adversely affected by the granting of the instant application.

Report of the Examiner recommends that private carrier authority should issue to applicant herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Floyd Earl Botts, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

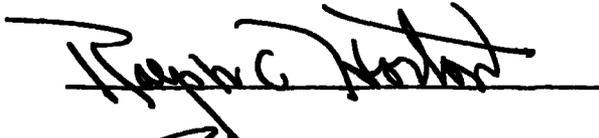
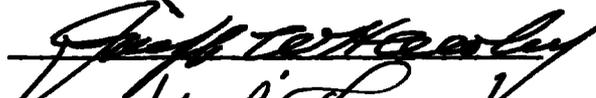
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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 28th day of May, 1956.

ea

original

(Decision No. 45858)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 14321-PP</u>
GENERAL BARNES, 1832 MARION STREET,		
DENVER, COLORADO, FOR A CLASS "B"		
PERMIT TO OPERATE AS A PRIVATE		
CARRIER BY MOTOR VEHICLE FOR HIRE.		
-----	)	

-----  
May 28, 1956  
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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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; peat moss, from points within a radius of five miles of Divide, Colorado, to Colorado Springs, Denver, and Pueblo, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 27, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 26, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

When Examiner Carter called said application for hearing at the time and place designated in the Notice of Hearing, applicant failed to appear, either in person or by counsel.

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

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

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That General Barnes, 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, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in

the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; peat moss, from points within a radius of five miles of Divide, Colorado, to Colorado Springs, Denver, and Pueblo, Colorado.

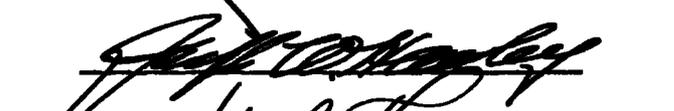
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 28th day of May, 1956.

ea

original

(Decision No. 45859)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
BURT HUTTON AND LILLIAM S. HUTTON,	)	
AS JOINT TENANTS, DOING BUSINESS AS	)	
"AURORA MOVING AND STORAGE COMPANY,"	)	
1537 DAYTON STREET, AURORA, COLORADO,	)	
FOR AUTHORITY TO TRANSFER PUC NO. 2241	)	APPLICATION NO. <u>14359-Transfer</u>
TO ARTHUR MALET AND MELVIN MALET, AS	)	
JOINT TENANTS, DOING BUSINESS AS	)	
"AURORA MOVING AND STORAGE COMPANY,"	)	
1537 DAYTON STREET, AURORA, COLORADO.	)	
-----	)	

-----  
May 28, 1956  
-----

Appearances: Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Burt Hutton and Lillian S. Hutton, as joint tenants, doing business as "Aurora Moving and Storage Company," Aurora, Colorado, owners and operators of PUC No. 2241, authorizing:

call and demand pick-up and delivery service,  
of general commodities:

- (1) Between points in Aurora, Colorado;
- (2) From, to, and between points in Aurora, Colorado, and points in a six-mile radius of Aurora, Colorado, not including Denver, Colorado;
- (3) Between points in Aurora, Colorado, and a six-mile radius thereof, and Denver, Colorado, all shipments to originate in Aurora, Colorado, or a six-mile area, exclusive of Denver, Colorado;

transportation of household goods in that portion of Denver, Colorado, lying east of York Street, to Aurora, Colorado, and points within a six-mile radius thereof, exclusive of Denver, Colorado;

transportation of general commodities, except commodities which, because of size or weight, require special equipment, between points within the City and County of Denver, State of Colorado,

seek authority to transfer said operating rights to Arthur Malet and Melvin Malet, as joint tenants, doing business as "Aurora Moving and Storage Company," Aurora, 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, May 10, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration to be paid for PUC No. 2241 is the sum of Eight Thousand Seven Hundred Dollars (\$8,700.00), payable \$100.00 per month; that transferors request approval of mortgage of said operating rights to secure payment of unpaid principal.

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

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

That mortgage of said operating rights should be authorized, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Burt Hutton and Lillian S. Hutton, as joint tenants, doing business as "Aurora Moving and Storage Company," Aurora,

Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2241 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Arthur Malet and Melvin Malet, as joint tenants, doing business as "Aurora Moving and Storage Company," Aurora, 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 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, unless such time shall be extended by the Commission upon proper application.

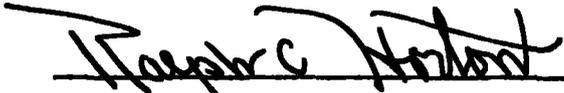
The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That mortgaging of said PUC No. 2241 by transferees herein, to transferors, to secure payment of balance of purchase price, should be, and the same hereby is, approved.

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 28th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DON CULVER, 3019 - 10TH STREET, )  
GREELEY, COLORADO. )

PERMIT NO. M-805

-----  
May 31, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Don Culver

requesting that Permit No. M-805 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-805, heretofore issued to \_\_\_\_\_

Don Culver

be,

and the same is hereby, declared cancelled effective May 7, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Weston*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,

this 31st day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

WARREN FARMER & WALTER NAU, DOING )  
BUSINESS AS "W & W GAS & EQUIPMENT )  
CO.," YUMA, COLORADO. )

PERMIT NO. M-1935

-----  
May 31, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Warren Farmer & Walter Nau, dba "W & W Gas & Equipment Co.,"

requesting that Permit No. M-1935 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1935, heretofore issued to \_\_\_\_\_  
Warren Farmer & Walter Nau, dba "W & W Gas & Equipment Co." be,

and the same is hereby, declared cancelled effective May 10, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*Philip W. Gardner*  
*John P. Thomas*  
Commissioners

Dated at Denver, Colorado,

this 31st day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MERLIN E. REES, DOING BUSINESS AS )  
"REES & SCHWITTERS," 218 W. MOUN- )  
TAIN AVENUE, FORT COLLINS, COLORADO.) PERMIT NO. M-2899  
)  
-----)

-----  
May 31, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Merlin E. Rees, dba "Rees & Schwitters,"  
requesting that Permit No. M-2899 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2899, heretofore issued to \_\_\_\_\_  
Merlin E. Rees, dba "Rees & Schwitters," \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 20, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
Commissioners

Dated at Denver, Colorado,  
this 31st day of May, 1956.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MIKE PETRILLO, DOING BUSINESS AS )  
"MT. EVANS BUILDING & SUPPLY," )  
4720 WEST 39th, DENVER, COLORADO. )      PERMIT NO. M-7536  
\_\_\_\_\_ )

-----  
May 31, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Mike Petrillo, dba "Mt. Evans Building & Supply"  
requesting that Permit No. M-7536 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7536, heretofore issued to \_\_\_\_\_  
Mike Petrillo, dba "Mt. Evans Building & Supply," \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 23, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,

this 31st day of May, 1956.

mls

original

(Decision No. 45865)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

COLORADO TRANSPORTATION COMPANY, )  
1730 Glenarm Place, Denver 2, )  
Colorado, )

Complainant,

vs.

CASE NO. 5107

CHECKER CAB COMPANY,  
406 Seventeenth Street,  
Denver, Colorado,

Defendant.  
----- )

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May 29, 1956  
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Appearances: Stockton, Linville & Lewis, Esqs.,  
by Truman A. Stockton, Jr.,  
Denver, Colorado, for  
Complainant;  
John F. Mueller, Esq., Denver,  
Colorado, for Checker Cab  
Company;  
Barry and Hupp, Esqs., by  
John R. Barry, Denver, Colo-  
rado, for Denver-Colorado  
Springs-Pueblo Motorway, Inc.,  
Intervener;  
Thomas B. Masterson, Esq.,  
Denver, Colorado, for  
Masterson Auto Service.

S T A T E M E N T

By the Commission:

On June 17, 1955, Colorado Transportation Company, by Truman A. Stockton, Jr., Esq., its attorney, filed with the Commission a letter which it requested be considered as an informal petition or complaint, seeking an order of the Commission directing the Checker Cab Company to show cause why it should not cease and desist the operation of multi-passenger buses in sightseeing service.

Order to Satisfy or Answer issued on June 20, 1955, and on July 8, 1955, respondent filed its Answer. Hearing was set before the Commission for August 24, 1955, at ten o'clock A. M., and after due notice to all interested parties, the hearing was held and the matter taken under advisement by the Commission. Briefs have been filed and carefully considered.

The Answer of respondent contained a prayer that the informal complaint be held insufficient and dismissed as a matter of law. At the hearing, this request was renewed and argued, and taken under advisement by the Commission.

In considering the testimony, it becomes necessary to trace the history of PUC No. 78 under which the operations of the respondent have been, and are being now, conducted, as shown by the records of the Commission.

The original application for authority was assigned Application No. 549, and filed by the Colorado Cab Company on April 22, 1926. It alleges, in substance, (emphasis supplied):

"That petitioner is now and has been engaged in the business of operating automobiles or motor cars for hire, from the City and County of Denver to various points in adjacent counties, and that the principal part of petitioner's business consists in the transportation of tourists or sightseers by means of automobiles or motor cars in and to the mountain parks and other places of attraction in the State of Colorado -- that the business has been carried on for more than ten years last past."

Petitioner claimed "grandfather rights" by virtue of the fact that it had been "engaged in the business of operating motor cars and automobiles" in this manner for a long period prior to the enactment of the first Motor Carrier Act, requiring the obtaining of a certificate of public convenience and necessity, to-wit: on April 16, 1917. It further alleged that it was licensed to carry on the business of operating automobiles and motor vehicles by the City and County of Denver; that during the summer months it operated a line of motor vehicles or

automobiles from Denver to five named areas; that in such operation it used "eight high-grade, substantially-built, well-equipped Cadillac automobiles, each accommodating seven passengers;" that its patrons, tourists and sightseers, preferred to travel by automobile, and the only competition is from firms which operate automobiles in the same manner and for the same purpose; that it agreed to conform to all reasonable rules and regulations with respect to operation of automobiles and motor vehicles for the transportation of passengers, and sought a certificate of public convenience and necessity for the operation of a line of automobiles from Denver to the areas served, and a permit to operate automobiles from the office in Denver to said areas.

By Decision No. 1115, of date March 7, 1927, the Commission, after hearing, granted the authority sought. In the Statement, it appears that applicant seeks a "motor operation to serve the tourist and sightseeing public from Denver," and its equipment consists of nine automobiles. Authority was granted to conduct the motor vehicle operation for the transportation of passengers over six named routes, with no transportation to any intermediate points, operations limited to sightseeing round-trip one-day operations, and the quantity of equipment used limited to nine automobiles.

Application No. 549-B, for extension of authority under the above certificate was filed March 7, 1927, the extension to include service over six additional routes, the equipment to be operated "being that now listed with the Commission, and such further equipment as may be required to render the proposed service."

By Decision No. 10174, of date June 12, 1937, after hearing, this application was considered in connection with several other applications for similar authority. It appeared that the equipment to be used by applicants would be heavy seven-passenger touring cars, six being the maximum number of passengers to be carried. Mr. W. W. Dundon, President of Colorado Cab Company,

testified that his company "had authority to utilize nine cars, and felt that there would be no necessity for increasing this equipment at the present time; that their equipment consisted of seven-passenger touring cars and they intended to carry a maximum of six passengers." The Commission granted the Colorado Cab Company the extension sought, of sightseeing operations over the six new proposed trips, "limited to nine cars for all of said trips."

In considering the instant complaint, it becomes advisable to refer to the historical background of the taxicab portion of the authority under PUC No. 78 as distinguished from the sightseeing portion of the same authority.

By Application No. 1635, filed June 26, 1930, the Colorado Cab Company represented to the Commission that it was authorized, by its Articles of Incorporation to own, operate, lease and furnish motor cars, motor buses, trucks and other vehicles for the transportation of passengers, freight, express, mail, and other commodities within and without the State of Colorado; that it was doing business as a public utility and a common carrier of passengers and their hand baggage, between certain cities, towns, communities, and parks in said state, under certificate of public convenience and necessity from this Commission (evidently referring to the above sightseeing certificate). Applicant applied for a certificate, "to operate and engage in the business of operating taxicabs, motor cars, motor buses and vehicles, for the transportation of passengers and their personal baggage (in addition to the transportation operations now being carried on by applicant) from and between the City and County of Denver, Colorado, Estes Park, Colorado, and to and from any and all other counties, cities, towns and points within said state in the nature of a special taxicab and bus service, as occasion may require, in occasional non-scheduled operations over divers and irregular routes, between, to or from any certain points and/or destinations."

Applicant proposed to operate and maintain equipment consisting of the best model and up-to-date taxicabs, motor cars, motor buses and vehicles in said service. An exhibit (Exhibit B) described the equipment to be used as ten 5-passenger Dodge Sedans, four 6-passenger PierceArrow touring cars, two 6-passenger Cadillac touring cars, and one 6-passenger Cadillac Sedan. Applicant alleged that the business would be non-competitive with motor vehicle or motor bus carriers operating over regular routes, and upon scheduled service, being primarily a special taxicab and bus service incident to the occasional and irregular transportation of passengers. Applicant did not intend to compete with the regular operations of established and licensed common carriers, and agreed that its operations should be limited, through establishment of non-competitive rates.

Applicant alleged that for sometime past it had been engaged in intra-city and inter-city taxicab service; had invested a large amount in taxicabs, limousines, touring cars, and motor buses, and also engaged in regular motor car operations upon scheduled bases and definite routes in regular transportation of passengers and for sightseeing business. Another reference to buses is found in the statement that none of the municipalities to or through which the said operations were to be conducted required licenses for operation of motor cars or motor buses or vehicles.

This Application No. 1635 was consolidated for hearing with several other applications of others for similar authority, and was considered by the Commission in Decision No. 4320, of date May 20, 1932. Schedule A, which was attached to the original application, was the proposed joint passenger tariff No. 1, covering the proposed service. Applicant was permitted to file amended Exhibit A, providing for a valley rate of thirty cents per car-mile for automobiles having a capacity of seven passengers or less, a mountain rate of thirty-five cents per car-mile, with higher rates for eleven, fourteen and twenty-two passenger cars. The

applicants at the hearing had available, jointly, one hundred twenty-one cars, of from four to twenty-two-passenger capacity, for service such as had been applied for. The equipment of Colorado Cab Company was described as ten 5-passenger cars and seven 6-passenger cars. The Commission said:

"It would appear to the Commission from the record that a rather substantial demand exists for the proposed occasional motor car, motor bus and chartered coach operations for which authority is sought in the pending applications, and it would further appear that if the conditions surrounding the granting of such authority are such that the same are made non-competitive with present existing scheduled carriers of passengers, that a public convenience and necessity can be met without material injury to those now holding certificates."

The certificates issued under Decision No. 4320 were limited to the authority requested in each of the various applications, and under its provisions the certificate issued to the Colorado Cab Company authorized the operation of a motor taxicab and bus business for the transportation of passengers and their personal baggage, to and from the City and County of Denver, Colorado, from and to any and all other counties, cities, towns and points within the State of Colorado, in the nature of a special taxicab and bus service.

In Revised Case No. 1585, paragraph A-1, the Commission defined and described "mountain territory" and "plains territory." By Application No. 11293, filed May 10, 1951, Checker Cab Company, the then-owner of said PUC No. 78, sought authority to transfer to Checker Cab, Inc., all the taxicab authority granted in Decision No. 4320, supra. It was stated, however, that transferee was not desirous of obtaining state-wide authority, and requested the Commission to limit the authority transferred to cover the plains territory only as theretofore defined, and that all authority granted by Decision No. 4320, covering mountain territory be cancelled. At the hearing, the testimony of the President of Checker Cab Company was to the effect that he was desirous of

selling his "taxicab rights," and the testimony of transferee was to the effect that it wished to provide service "by taxicab" only in the so-called plains territory. Decision No. 38218, of date February 28, 1952, authorized the transfer of all taxicab rights held under PUC No. 78, providing that such rights should be cancelled insofar as they covered the mountain territory, so that Checker Cab Company would thereafter have no taxicab rights, and Checker Cab, Inc. would thereafter have taxicab rights, as defined and delineated in the following description:

"Transportation of passengers and their personal baggage from and between the City and County of Denver, to and from any and all other counties, cities, towns and points within the State of Colorado, by taxicab (a taxicab being defined as a motor vehicle engaged in the bona fide taxicab business and having a rated seating capacity of not more than five passengers and the driver), but with no authority to perform said service west of the following described line (describing the line of separation between plains and mountain territory as theretofore fixed by the Commission,) with branch office limited to Denver.

The paragraph relative to cancellation of the taxicab rights covering the mountain territory was as follows:

"All of the remainder of the authority granted to PUC No. 78, by Decision No. 4320, dated May 20, 1932, not specially mentioned in this order of transfer, is hereby cancelled."

By Decision No. 38237, of date March 7, 1952, the Commission stated that more of the operating authority granted to PUC No. 78 by Decision No. 4320 had been cancelled by Decision No. 38218, supra, than had been requested in the application or had been contemplated by the Commission, and amended said Decision No. 38218 by striking therefrom the paragraph last above quoted.

All taxicab rights acquired by Checker Cab, Inc. under said Decision No. 38218 were later transferred by Checker Cab, Inc. to Yellow Cab, Inc.

As a result of said orders, the record now shows that Checker Cab Company still retains the following taxicab and bus rights granted under Decision No. 4320, to-wit:

The transportation of passengers and their personal baggage from and between the City and County of Denver, and to and from all other counties, cities, towns and points within said State of Colorado, in the nature of a special taxicab and bus service, with the proviso that it shall not be permitted, without further authority from the Commission, to establish a branch office, or to have any agent employed in any other town or city than Denver for the purpose of developing business, but with no authority to perform taxicab service in the plains territory, as defined by the Commission.

The meaning of this remaining authority must, of course, be construed in the light of the allegations in Application No. 1635, and the Statement, Findings and Order in Decision No. 4320, supra.

In order to remove any obscurity as to the identity of the parties above referred to, may we state that the records of the Commission show that the name "Checker Cab" was originally filed as a trade name. A Colorado corporation was organized in 1938 known as "Checker Cab, Inc." which had the right to the use of the name "Checker Cab," but this corporation did not operate, and owned no property other than the trade name. The corporation was dissolved in July 1943, and prior to its dissolution had sold the names "Checker Cab" and "Checker Cab, Inc." to Colorado Cab Company, the owner of PUC No. 78. The name of Colorado Cab Company was changed to Checker Cab Company on August 12, 1943, a certificate effecting such change of name being filed in the office of the Secretary of State, and a certified copy of the certificate filed with the Commission. At all times since the change of name in 1943, the corporation has operated and is still operating as "Checker Cab Company."

The present authority of Checker Cab Company under PUC No. 78, comprises two easily distinguishable parts: (1) that part authorizing sightseeing service, and (2) that part authorizing service in the nature of a special taxicab and bus service, in the so-called mountain territory, and service in the nature of a special bus service in the plains territory.

The question as to whether or not buses can regularly be used in the "special taxicab and bus service," or "special bus service" is not before the Commission for determination at this time, as complainant seeks only an order directing Checker Cab Company to show cause why it should not cease and desist the operation of multi-passenger buses in sightseeing service, being the service authorized in (1) supra.

At the hearing in the show cause proceedings, the evidence of both the complainant and respondent and interveners was directed to the sightseeing authority, no claim being advanced by respondent that any alleged or claimed use of buses was in any way connected with its "special taxicab and bus service." We shall therefore confine our discussion to the record and evidence as to the use of buses in the sightseeing operation authorized under PUC No. 78, and we have given the historical background of such service.

At the hearing on the show cause proceeding, Mr. Dundon testified that it was not until sometime in 1950 that he conceived the idea of using buses in his sightseeing operations. Again, in the Fall of 1954, he talked over the possibilities with officials of Continental Bus System, Inc., but never applied to the Commission for authority to use such buses. However, on June 3, 1955, his company executed an equipment lease with the Rocky Mountain Division of Continental and Denver-Colorado Springs-Pueblo Motorway, Inc., which provided that as Checker did not then own as its own corporate property any buses or motor coaches which would be appropriate to use in the transportation of persons to scenic points throughout Colorado, and as Continental and Motorway each owned and operated a fleet of buses or motor coaches specifically constructed and designed for such transportation, they leased to Checker certain of these buses on a mileage basis. Under the terms of this executed lease, Checker acquired the use of four 37-passenger Flexible glass-top buses, and one 8-passenger Volkswagon bus,

and started sightseeing operations therewith. An option was granted to Denver-Colorado Springs-Pueblo Motorway, Inc. to purchase all of the corporate stock of Checker should the Commission hold that the use of buses is authorized under the sightseeing authority of Checker under PUC No. 78. By the exercise of its option, Motorway could enter into direct competition with complainant herein which has operated buses in sightseeing service in competitive territory since 1931, and with proper authority. Hence the filing of the instant complaint.

Mr. Dundon made much of the point that these buses were put into service in June, 1955, prior to the filing of the complaint. This point is of no importance if his certificate did not authorize their use in sightseeing service. He had approached Continental with a proposition for sale of the certificate because of his financial and physical troubles, but when not successful, accepted the lease and option.

The application was supported at the hearing by Ralph Berndt, General Manager of Denver-Colorado Springs-Pueblo Motorway, Inc., which is owned by Transcontinental Bus System, Inc., which, in turn, also owns Continental Bus System, Inc., and by L. C. Jaynes, of Washington D. C., President of National Trailways, but neither offered testimony relative to the issue herein involved.

It will be noted that at no place in the applications for sightseeing service, in the hearing, or in the Statement, Findings or Orders in the decisions granting sightseeing authority and extension thereof, are buses of any kind or nature mentioned. The sightseeing operations of Checker for more than 40 years have been conducted by the use of automobiles of a capacity of not to exceed 7 passengers. It was the use of such equipment that the tourists most enjoyed and demanded, as shown by the evidence. Never were buses listed in the list of equipment filed by Checker with the Commission. In the original application

(No. 549), the references were solely to automobiles, motor cars, or motor vehicles. Applicant sought authority to operate a line of automobiles. In the original grant of authority (Decision No. 1115), the operation was limited to the use of 9 automobiles. In the application for extension (Application No. 549-B), it was proposed to conduct the extended operations with the equipment then listed with the Commission. In Decision No. 10174, granting the extended authority, it was recited that the equipment to be used would be heavy 7-passenger touring cars, 6 being the maximum number of passengers to be carried. At the hearing upon which this decision was based, Mr. Dundon testified that Checker had nine 7-passenger touring cars, had authority to use nine cars, and saw no necessity to increase the equipment at that time. Extended authority was granted, limited to the use of 9 cars on all trips.

The Commission is satisfied that at no time during the pendency of Applications Nos. 549 and 549-B was the use of buses in sightseeing operations considered by either Checker or the Commission. Nor was such use ever authorized by the Commission. In order to justify such use, it would have been necessary for Checker to file with the Commission an application for extension of authority, which it has never done to date. Possibly, the Commission would have looked upon the application with favor had it been properly presented, but we are bound by the record.

The situation is entirely different under that part of Checker's authority granted under Application No. 1635. The certificate was based on a showing that public convenience and necessity required a taxicab and bus service. We cannot say that buses cannot be used in bus service.

While the Commission may be accused of "splitting hairs" and reaching decisions that may seem contradictory when applied to separate portions of the certificate, we are satisfied that the use of buses without specific authorization from this Commission in the

operation of sightseeing rights under sub-division (1) of the authority contained in PUC No. 78 is not justified, while their use is justified and authorized under sub-division (2) of said authority. An order will be entered consistent with our thinking, and we deem it advisable to set out in detail the authority we find to be the present authority of Checker as intended by the parties and by the Commission from the records herein.

### 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 the motion of Checker Cab Company for dismissal of the informal complaint should be denied.

That the use of buses in the sightseeing operations of Checker Cab Company under that portion of its authority under PUC No. 78, acquired through Decisions Nos. 1115 and 10174, is not justified, and said Checker Cab Company should be ordered to cease and desist the use of buses under that portion of its authority unless and until authority is obtained from the Commission for the use of such equipment thereunder.

That the use of buses by Checker Cab Company in the taxi-cab and bus service under that portion of its authority under PUC No. 78, acquired through Decision No. 4320, and not heretofore disposed of, is justified without further authorization, and the complaint herein -- so far as such operations are concerned -- should be dismissed.

That the order of the Commission should define the present remaining authority of Checker Cab Company under said PUC No. 78.

### O R D E R

#### THE COMMISSION ORDERS:

That the motion of Checker Cab Company, respondent

herein, for dismissal of the informal complaint, should be, and is hereby, denied.

That Checker Cab Company be, and is hereby ordered to forthwith cease and desist the use of buses in its sightseeing operations under that portion of its authority under PUC No. 78 acquired through Commission Decisions Nos. 1115 and 10174, unless and until authority is obtained from the Commission for the use of such equipment in such operations.

That the instant complaint, so far as it pertains to the use of buses by Checker Cab Company under that portion of its authority under PUC No. 78 acquired through Commission Decision No. 4320, be, and the same is hereby dismissed.

That the present authority of Checker Cab Company under PUC No. 78 be, and hereby is, defined as follows:

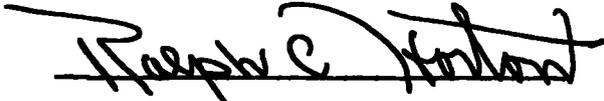
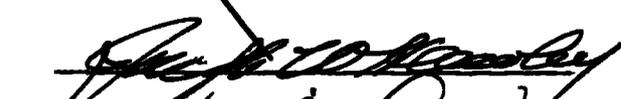
1. The transportation of passengers over the six routes specified in Decision No. 1115, of date March 7, 1927, limited to sightseeing round-trip one-day operations, without service to any intermediate points, as extended by Decision No. 10174, of date June 12, 1937, authorizing transportation of passengers over six additional routes, with the same limitations, and further limited to the use, on all trips, of 9 automobiles of a capacity of not to exceed 7 passengers, with no service by bus, all round trips to originate in Denver, and no branch office permitted in any town or city other than Denver, Colorado.

2. The transportation of passengers and their personal baggage, from and between the City and County of Denver, Colorado, and to and from all other counties, cities, towns and points within said State of Colorado, in the nature of a special taxicab and bus service, with no branch office or agent in any other town or city than Denver, Colorado, for the purpose of developing business, excepting therefrom the right and authority to operate taxicabs (a taxicab being defined as a motor vehicle engaged in the bona fide taxicab business and having a rated seating capacity of not more than five passengers and driver), west of the line of separation between plains and mountain territory, as fixed by the Commission in Revised Case No. 1585, paragraph A-1.

That the Commission retains jurisdiction herein so that it may enter any further order or orders in the premises as in the future it may find necessary or expedient.

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 29th day of May, 1956.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

COLORADO TRANSPORTATION COMPANY, )  
1730 Glenarm Place, Denver 2, )  
Colorado, )

Complainant,

vs.

CASE NO. 5106

M. P. MASTERSON, doing business )  
as "Masterson Auto Service;" )  
CHECKER CAB CO.; J. R. BEARD, )  
doing business as "Beard Taxi )  
Company;" ARTHUR BAWDEN, doing )  
business as "Arthur Sightseeing )  
Service;" BURKE TAXICAB LINE, )  
INC.; and PIKE'S PEAK MOTOR )  
TOURS OF DENVER, INC., )

Respondents.

----- )

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May 29, 1956  
-----

Appearances: Stockton, Linville and  
Lewis, Esqs., by Truman A.  
Stockton, Jr., Denver,  
Colorado, for Complainant;  
John R. Mueller, Esq., Denver,  
Colorado, for Checker Cab  
Company;  
Worth Allen, Esq., Denver,  
Colorado, for A-A Sightseeing  
Tours; Pike's Peak Motor  
Tours of Denver, Inc.;  
Arthur Sightseeing Service;  
Burke Taxicab Line, Inc.;  
Thomas B. Masterson, Esq.,  
Denver, Colorado, for  
Masterson Sightseeing Tours.

S T A T E M E N T

By the Commission:

On June 3, 1955, Colorado Transportation Company filed  
petition for an order cancelling the right of the respondents  
above-named to operate any bus service in their motor carrier  
operations because of non-use and abandonment.

Copy of the petition or complaint was served upon each of the respondents. Answer was filed by Checker Cab Company; Ralph L. Wolff and Toni B. Wolff, doing business as "A-A Sightseeing Tours," successors to J. R. Beard, doing business as "Beard Taxi Company;" Arthur Bawden, doing business as "Arthur Sightseeing Service;" Burke Taxicab Line, Inc.; Pike's Peak Motor Tours of Denver, Inc., and Thomas B. Masterson, doing business as "Masterson Sightseeing Tours." The variance between the identity of the respondents named in the petition and the appearances as entered has been noted on the records of the Commission.

The petition, denominated a complaint, was set for hearing before the Commission, in Denver, Colorado, for August 24, 1955, notice being served on each of the respondents. The hearing was vacated at the request of a part of the respondents, and re-set for January 26, 1956, on which date the hearing was held and the matter taken under advisement by the Commission.

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

In Decision No. 45865, of even date, in Case No. 5107, Colorado Transportation Company vs. Checker Cab Company, the Commission has fully discussed the background and history, generally, of the sightseeing authorities issued by the Commission. Reference is hereby made to said decision, and the Commission deems it unnecessary to again review these matters in the instant case. We will briefly review the present authorities of the respondents.

#### CHECKER CAB COMPANY

The present authority under PUC No. 78, of Checker Cab Company, as amended and defined in Decision No. 45865 above referred to, is as follows:

- (1) Transportation of passengers over the six routes specified in Decision No. 1115, of date March 7, 1927, limited to sightseeing round-trip one-day operations, without service to any intermediate points, as extended by Decision

No. 10174, of date June 12, 1937, authorizing transportation of passengers over six additional routes, with the same limitations, and further limited to the use, on all trips, of 9 automobiles of a capacity of not to exceed 7 passengers, with no service by bus, all round trips to originate in Denver, and no branch office permitted in any town or city other than Denver, Colorado.

(2) Transportation of passengers and their personal baggage, from and between the City and County of Denver, Colorado, and to and from all other counties, cities, towns and points within said State of Colorado, in the nature of a special taxicab and bus service, with no branch office or agent in any other town or city than Denver, Colorado, for the purpose of developing business, excepting therefrom the right and authority to operate taxicabs (a taxicab being defined as a motor vehicle engaged in the bona fide taxicab business and having a rated seating capacity of not more than five passengers and driver), west of the line of separation between plains and mountain territory, as fixed by the Commission in Revised Case No. 1585, paragraph A-1.

THOMAS B. MASTERSON, doing  
business as "Masterson  
Sightseeing Tours."

Owner of PUC No. 82, PUC No. 1355 and PUC No. 1589.

PUC No. 1589 is a taxicab authority expressly limited as against sightseeing service, and need not be here considered. PUC No. 1355 authorizes certain scheduled service in addition to sightseeing operations. PUC No. 82 involves service discussed in Decision No. 45865, Checker Cab Company, above referred to.

Excluding the taxicab operating rights and scheduled operations, the present authority of Masterson closely follows the wording of the authority of Checker Cab Company above set forth, and is as follows:

(1) Transportation of passengers over the six routes designated in Decision No. 1120, limited to sightseeing round-trip, one-day operations, without service to any intermediate points, as extended by Decision No. 10174, of date June 12, 1937, authorizing the transportation of passengers over six additional routes, with the same limitations, and further limited to the use on all trips of four automobiles of a capacity of not to exceed seven passengers, all round trips to originate in Denver, and no branch office permitted in any town or city other than Denver, Colorado (PUC No. 82).

The transportation of passengers by motor vehicle in sightseeing round-trip service from Evergreen, Troutdale, Brook Forest and Bendemeer Lodge, to Mt. Evans, Echo Lake, Idaho Springs, Silver Plume, Georgetown, Platte Canon, Bailey, Kiowa Lodge, Colorado Springs, Grand Lake, West Portal, Berthoud Pass, Central City, Black Hawk via Lookout or Bear Creek, Lookout Mountain, Morrison, Indian Hills, Tiny Town and Boulder, with restriction as to solicitation of business except at designated originating points and to round-trip, one-day operation, commencing and terminating at points authorized to be served in the Evergreen area. (PUC No. 1355).

(2) The transportation of passengers and their personal baggage from and between the City and County of Denver, Colorado, to and from any and all other counties, cities, towns and points within the State of Colorado, in the nature of a special taxicab and bus service (all taxicab rights having been heretofore transferred) (PUC No. 82).

RALPH L. AND DARLENE E. WOLFF,  
co-partners, doing business as  
"A-A Sightseeing Tours."

Owners of PUC No. 191 (consolidated with PUC No. 193)

authorizing:

(1) The transportation of passengers in sightseeing round-trip, one-day operations, over various routes heretofore designated by the Commission, without the right to serve intermediate points, limited to the use of three cars on all trips.

(2) The transportation of passengers and their personal baggage to and from the City of Denver from and to any and all points within the State of Colorado, in the nature of a special motor car and bus service, limited to the use of motor cars and buses of a capacity not to exceed 8 passengers of the type of motor vehicle used by Joseph Freilinger in his operations, and limited to the number of cars allowed certificate owner in sightseeing service.

BURKE TAXICAB LINE, INC.

Owner of PUC No. 83, authorizing:

(1) The transportation of passengers in sightseeing round-trip one-day operations over various routes heretofore designated by the Commission, without the right to serve intermediate points limited to the use of 12 cars on all trips.

(2) Transportation of passengers and their personal baggage to and from the City and County of Denver from and to any and all other counties, cities and towns and points within the State of Colorado, in the nature of a special taxicab service.

PIKES PEAK MOTOR TOURS OF DENVER, INC.

Owner of PUC No. 84, authorizing:

(1) The transportation of passengers by motor vehicle in sightseeing round-trip one-day operations over 11 designated routes, with no service to intermediate points, limited to the use of 4 cars (Decision No. 1122); extended by authority to operate under the same restrictions over 6 additional routes originating in Denver (Decision No. 10174).

ARTHUR BAWDEN, doing business as  
"Arthur's Taxi and Sightseeing Service."

Owner of PUC No. 87, authorizing:

(1) Transportation of passengers by motor vehicle over 4 designated routes in sightseeing round-trip one-day operations, with no service to intermediate points, limited to the use of one car (Decision No. 1125); authorization for similar operations over 3 routes, limited to the use of 3 cars, acquired by Decision No. 1137 (formerly PUC No. 91); use of one additional car authorized by Decision No. 3479; extended to cover sightseeing operations from Denver with office limited to Denver (Decision No. 4329); authorization for service over 6 specific routes granted by Decision No. 10174, applicant limited to the use of 5 cars on all trips.

By Decision No. 45865, of even date, the Commission has held that the use of buses in sightseeing operations of Checker Cab Company is not justified, and has ordered said company to cease and desist their use of their sightseeing authority, unless and until authority is obtained from the Commission for the use of such equipment thereunder. The authorities of the other respondents herein, so far as sightseeing operations are concerned, are of the same nature as the sightseeing authority of Checker, reviewed in said Decision No. 45865, varying only in wording and extent. In view of the order in said decision, we now hold that in their sightseeing operations, none of the respondents herein are authorized to use buses unless and until authority for the use of such equipment is obtained from the Commission. This applies, of course, to sub-division No. 1 of the

authorities of each of the respondents, as above defined.

Complainant seeks in the instant complaint an order of the Commission cancelling the right of respondents to operate any bus service in their motor carrier operations because of non-use and abandonment. Such a right does not exist under sub-division No. 1 of their authorities, and the requested order would be futile so far as the sightseeing authority of these respondents, as defined in said sub-division No. 1, are concerned.

In the case of Burke Taxicab Line, Inc., sub-division No. 2 of its authority covers transportation of passengers in the nature of a special taxicab service. A taxicab has been defined by the Commission as a motor vehicle engaged in the bona fide taxicab business and having a rated seating capacity of not more than 5 passengers and driver. There is nothing in this sub-division in Burke's authority granting the company the right to use buses in its operations. Hence, no right that could be cancelled by Commission order under the prayer of the instant complaint.

This eliminates the necessity of considering the complaint save as to the operations by bus under sub-division No. 2 of the authorities of Checker Cab Company, Masterson Sightseeing Tours, and A-A Sightseeing Tours. So, the remaining question to be resolved is: Should the Commission cancel the right of these three respondents to operate bus service under Section 2 of their respective authorities because of non-use or abandonment?

At the hearing, no testimony was offered by complainant in support of its petition or complaint except for one statement of Witness I. B. James, corroborating certain evidence given by respondents.

Mr. Ed W. Dundon, President of Checker Cab Company, and connected with its operations for many years, stated positively that there had never been any intention upon the part of his company to abandon any authority granted under PUC No. 78. On May 26, 1932,

immediately following the grant of the authority, under sub-division No. 2, he joined with other members of the Colorado Sightseers Association in filing a tariff numbered PUC #4, in which rates were published by special tours, covering parties of 20 or more adults traveling together, the tariff being intended to cover the transportation of large groups in service which could not be provided conveniently in passenger cars or limousines. The same item was covered in a later tariff, PUC #5, issued by the same association on November 18, 1947, which cancelled the earlier publication. His company has never owned any buses, which he defined as any vehicle with a capacity in excess of 8 passengers, including driver, but it has always kept in effect rates applicable to groups of 20 or more passengers if the need for bus transportation might arise. The authority for the transportation covered by sub-division No. 2 of Checker's PUC No. 78 was granted by Decision No. 4320, of date May 20, 1932. At that time the sightseeing business was at a low ebb, and further, the economic position of his company did not justify investment in bus equipment. Later, during World War II, such equipment was not available, and because of wartime restrictions, sightseeing operations were at a standstill for several years. When business was resumed, consideration was given to the inauguration of bus service during a period of several years prior to the actual placing of buses in service. He discussed the proposition with others at various times from 1950 on, and in the Fall of 1954, contacted the officials of Continental Bus System, Inc., resulting in the execution of a lease, of date June 3, 1955, whereby his company obtained the use of bus equipment on a mileage basis from Continental and Denver-Colorado Springs-Pueblo Motorway, Inc. While there had not been a great demand for such service theretofore, the business developed under these negotiations and this lease arrangement was sufficiently great to justify the delivery to him in May, 1955, of four 37-passenger Flexible Glass-topped buses and one Volkswagon, which were placed in operation and he

continued in operation up to the time of the filing of the instant complaint. He identified Exhibit No. 1, showing the number of passengers transported by bus between May 3, 1955 and November 5, 1955, by months, varying from 40 passengers in May, to 1732 in August, a total of 4,120 passengers for the period. A letter from Barry and Hupp, counsel for Continental, submitted as a late-filed exhibit by consent, showed that the Volkswagon was licensed on June 3, 1955, and the Flexibles on June 29 (2), July 5 and July 10, 1955. Prior to May, 1955, when requested to provide bus service, he had obtained same for customers through the other carriers operating such equipment.

The undisputed evidence shows that Checker was operating a bus service under its certificate before the instant complaint was filed, and the evidence fails to show any unexplained failure to operate buses theretofore.

Thomas B. Masterson, owner of the certificates operated by the Masterson Sightseeing Tours and manager of the operation since 1946, testified that in that year there developed a demand for bus service to Mount Evans, and from 1947 to 1950, he operated buses occasionally on lease from complainant herein, or from Motorway. Between 1952 and the present time, he has owned no buses but leased buses for transportation of groups from the Denver Union Station to Brook Forest Inn and from Continental Trailways for trips between Denver and Troutdale-in-the-Pines. Since 1954, the demand for bus service has increased. It has never been his intention to abandon any rights he might have to operate buses under his certificates. In 1947, during a week-long Shrine Convention in Denver, he leased buses for mountain trips from Colorado Motorway. He leased from complainant herein for three trips the following year, and operated leased buses on an average of four times a year from 1952 to 1954, inclusive. Sometimes the leases were on a flat rental basis and sometimes on a commission basis.

Sam J. Quigley, President of Burke Taxicab Line, Inc., testified to the same general effect as had Mr. Masterson, and it was stipulated that if they were present and called as witnesses, the following parties would also testify to the same effect as to bus operations of their companies, to-wit: Arthur Bawden, owner of Arthur's Sightseeing Service; George Smeltzer, President of Pikes Peak Motor Tours; and Ralph L. Wolff, partner in A-A Sightseeing Tours. It was also stipulated that George B. McClanahan, former manager of Gray Lines Bus Tours of Pueblo, would testify that about three years ago, Mr. Smeltzer came to Pueblo for the purpose of purchasing a bus from witness, to be used by Pikes Peak Motor Tours in sightseeing operations, but before negotiations were completed, Smeltzer was advised that his company under its certificates had no authority to operate buses.

I. B. James, President and General Manager of complainant, corroborated the testimony of Masterson as to interchange of equipment, buses and 7-passenger automobiles, depending upon the number of passengers to be moved. The carrier that moved the passengers operated as a broker, the owner of the equipment receiving 20% of the amount of the ticket sales.

Complainant cites Rule 9 of our Rules and Regulations Governing Common Carriers by Motor Vehicle, which provides that failure on the part of any common carrier to commence operations over any route or routes specified in any certificate, within 30 days after the issuance of the certificate, shall be deemed sufficient cause for the Commission to cancel such certificate, after reasonable notice and hearing thereon. There is no allegation in the complaint that would justify any order under this rule. No notice was ever given of any hearing on any complaint based on the rule, and no evidence offered by complainant as to violation of the rule to support any order relative thereto. We hold that Rule 9 is not applicable to the instant case under the pleadings and the evidence.

Rule 10 (b) is also cited, providing that discontinuance of service for a period of five consecutive days without written notice to and approval by the Commission shall be deemed a forfeiture of all rights secured under and by virtue of the certificate. This rule has no bearing on this case as it specifically provides that said sub-division shall not apply to common carriers engaged in sightseeing, taxi, or seasonal operations.

Rule 17 (1) is also cited. This rule provides that any operator engaged in sightseeing or auto livery service shall not use in such service a motor vehicle of larger seating capacity, or of other kind or type than that allowed under his certificate of public convenience and necessity unless authorized to do so by the Commission. We have recognized this rule in holding that the certificate owners have no authority to use buses in operations under sub-division (1) of their respective authorities unless and until authorized to do so by the Commission. As to operations under sub-division (2) of their respective authorities, they are authorized to perform a service "in the nature of a special taxicab and bus service." Hence, they need no further authority to use buses in such operations.

The question remains: Should the Commission enter an order cancelling the right of Checker Cab Company, Masterson Sightseeing Tours, and A-A Sightseeing Tours, under sub-division (2) of their respective authorities to operate any bus service because of non-use and abandonment?

In Hoff v. Girdler Corporation, 104 Colo. 56, 88 P. (2d) 100, the Supreme Court of Colorado held:

"Abandonment consists of two factors, the intention and the act. The question of an intent to abandon is one of fact. The burden of showing abandonment is upon the party who relies thereon and he must establish it by clear, unequivocal and decisive evidence."

No cases have been cited holding otherwise, and the Commission is satisfied that to constitute abandonment of a right conferred by a certificate of convenience and necessity, not only

the element of non-use must exist, but also clear and unequivocal evidence of an intent on the part of the holder of the certificate to abandon the right.

In the instant case, there is evidence on behalf of Checker, Masterson, and A-A that at no time in the past has either company had any intention of abandoning the right to the use of buses in its operations. There is no evidence to the contrary. Complainant has offered no evidence that any request or demand has ever been made on any of these respondents for bus service that has been refused by them. Such service has always been furnished through the rental of buses from complainant or others, the service being performed on a commission basis. The burden was upon complainant to show not only non-use of buses but also intent of the certificate holders to abandon their right to their use, and this burden has not been sustained.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

That the use of buses in the sightseeing operations of respondents, and each of them, under that portion of their respective authorities designated as sub-division (1) thereof, is not justified unless and until authority is obtained from the Commission for the use of such equipment. That any Finding therefore as to non-use or abandonment of a right which does not exist would be futile.

That the use of buses by Checker Cab Company, Masterson Sightseeing Tours, and A-A Sightseeing Tours, under sub-division (2) of their respective authorities is justified without further authorization.

That the evidence does not show that either said Checker Cab Company, Masterson Sightseeing Tours or A-A Sightseeing Tours has at any time in the past had any intention of abandoning the

use of buses in their operations.

That said companies were conducting operations by bus under their respective certificates, by lease or otherwise, before the instant complaint was filed, and complainant has failed to show any unexplained failure to operate buses theretofore.

That complainant has failed to show by the evidence any non-use or abandonment of the right of either Checker Cab Company, Masterson Sightseeing Tours, or A-A Sightseeing Tours to operate bus service in their motor carrier operations as charged in the complaint, and that said complaint should be dismissed.

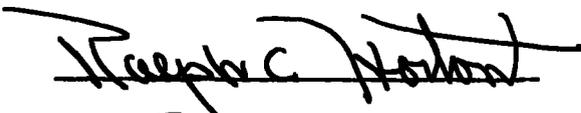
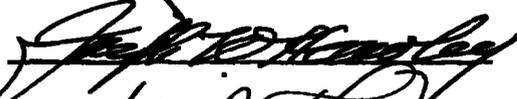
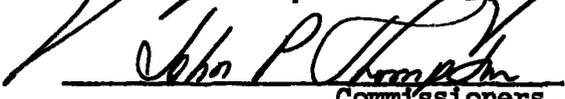
O R D E R

THE COMMISSION ORDERS:

That the instant complaint be, and hereby is, 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 29th day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. L. EMERY, DOING BUSINESS AS )  
"CINEMA SERVICE," 231 NORTH LOOMIS, )  
FORT COLLINS, COLORADO, FOR AN EX- )  
TENSION OF PERMIT NUMBER A-5009. )

APPLICATION NO. 14406-PP-Extension

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May 29, 1956  
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Appearances: Marion F. Jones, Esq., Den-  
ver, Colorado, and  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for Applicant;  
J. R. Arnold, Denver, Colo-  
rado, for Northeastern  
Motor Freight, Inc.

S T A T E M E N T

By the Commission:

The applicant has operated a film delivery service out of Denver in interstate commerce for some time. On March 21, 1956, we authorized the applicant to operate as a Class "A" private carrier by motor vehicle to engage in the transportation of newspapers for the Denver Post Publishing Company only, between Denver, Colorado, and the Colorado-Wyoming State line via U. S. Highway No. 85, serving all intermediate points.

By the present application filed April 26, 1956, the applicant seeks to have his private carrier authority extended to permit him to transport newspapers over three additional routes, more particularly described in the following Order.

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, May 21, 1956, and at the conclusion of the evidence, the matter was

taken under advisement.

The applicant appeared in support of his application. He testified concerning his present Colorado operation and also his interstate film delivery operation. It appears that he has six motor vehicles of one and two ton capacity suitable to this work. His net worth is approximately \$20,000. The extension he seeks is to carry newspapers only, and only for the Denver Post Publishing Company, he said. Upon this understanding, Northeastern Motor Freight, Inc., a common carrier serving the area, withdrew its objections.

Mr. H. E. Corbin, Traffic Manager for the newspaper company involved, testified in support of the application. He stated that the papers in that area are now being carried by another company, also a private carrier, but that the newspaper had asked the applicant here to obtain authority so that he might render the service they wish. The newspaper has been satisfied with the applicant's other service and wishes to have the service available on these additional routes.

The matter now stands submitted for decision uncontested. It appears that the service is wanted and needed by the newspaper, and that the granting of the application will not tend to impair the efficient public service of existing common carriers.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That authority sought should be granted.

#### O R D E R

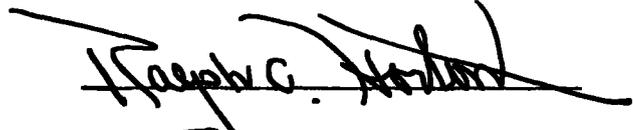
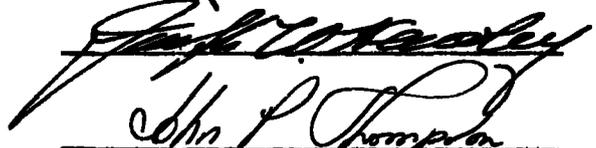
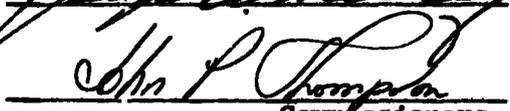
##### THE COMMISSION ORDERS:

That A. L. Emery, doing business as "Cinema Service," Fort Collins, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. A-5009, to include the transportation of

newspapers, for the Denver Post Publishing Company, only, from Denver, Colorado, over U. S. Highway 6 to Junction U. S. Highway 34; thence over U. S. Highway 34 to the Colorado-Nebraska State line, serving all intermediate points in Colorado; from Denver over U. S. Highway 6 to Junction U. S. Highway 138 near Sterling, Colorado; thence over U. S. Highway 138 via Julesburg to the Colorado-Nebraska State line, serving all intermediate points; and between Denver, Colorado, and Holyoke, Colorado; from Denver over U. S. Highway 85 to Greeley, Colorado, and thence over U. S. Highway 34 to Junction of U. S. Highway 6, and thence over U. S. Highway 6 to Holyoke, serving the intermediate points of Brighton, Greeley, Fort Morgan, Brush, Sterling and Haxtun, 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 29th day of May, 1956.

mls

original

(Decision No. 45868)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FLOYD R. ALDRICH, 501 UTICA STREET, )  
DENVER, COLORADO, FOR AN EXTENSION ) APPLICATION NO. 14409-PP-Extension  
OF PERMIT NUMBER B-4811. )  
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May 29, 1956  
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Appearances: Robert McLean, Esq., Denver,  
Colorado, for Applicant;  
H. D. Hicks, Denver, Colorado,  
for Weicker Transfer and  
Storage Co.;  
E. B. Evans, Esq., Denver,  
Colorado, for Westway Motor  
Freight, Inc.;  
Ernest Porter, Esq., Denver,  
Colorado, and  
R. E. Turano, Denver, Colorado,  
for Rio Grande Motorway and  
Larson Transportation Co.;  
J. R. Arnold, Denver, Colorado,  
for Northeastern Motor Freight,  
Inc.

S T A T E M E N T

By the Commission:

The applicant is presently authorized under private motor carrier authority No. B-4811 to engage in the transportation of glass bottles within a 5-mile radius of Denver, Colorado, for the Knox Glass Bottle Company, only.

By the present application filed March 30, 1956, the applicant seeks to have his authority extended to permit him to render this service to that company on a State-wide basis.

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, May 21, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He has engaged in trucking for about 5 years and testified concerning his present operation. He said that he would like to increase his business by carrying for his customer the customer's occasional shipment of glass bottles to various towns in Colorado. His net worth is approximately \$6,000. He operates two vehicles, hiring one driver who also works part time in the warehouse of the Bottle Company. He feels that the service to his customer would be improved if he, instead of existing common carriers, were able to serve them.

No shipper witness testified in support of his application. There is a letter in the file from the shipper's agent stating generally that the shipper had asked the applicant to apply for the additional authority. In view of the provision of statute giving interested persons the right to cross-examine witnesses, however, we are not authorized to consider this letter as having any weight in the matter. The application therefore stands unsupported by the testimony of any shipper witness that existing common carrier service is inadequate in any respect, nor that the proposed service is needed or wanted, nor that, if the authority is granted, the service will be used. A motion by all protestants to dismiss the application on this ground was taken under advisement.

Representatives of Weicker Transfer and Storage Company, Rio Grande Motor Way, Inc., Larson Transportation Company, and Northeastern Motor Freight testified concerning their existing common carrier service. It appears that these four carriers serve virtually the entire State of Colorado on a scheduled basis and at least three of them have been serving the Bottle Company in the past without any indication that their service was in any way inadequate or unsatisfactory. All of these common carriers operate on a scheduled basis and must therefore operate regardless of weather conditions and whether the load on any particular day happens to be large or small. This type of car-

rier is therefore the back-bone of the transportation system of this State, and an absolute essential to the efficient flow of commerce in the various parts of the State. It is therefore generally in the public interest to permit them to haul their present volume of traffic and thus continue their service to the public unless and until it is shown that in some respect their service is inadequate or unsatisfactory. No such showing has been made here. All that has been shown is that the applicant would like to have additional business and that to get it he would like to obtain revenues which now go to common carriers. It appears to us that in the present circumstances the granting of the application would tend to impair the service of existing common carriers. The application must therefore be denied.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the instant application of Floyd R. Aldrich, Denver, Colorado, 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 29th day of May, 1956.

mls

original

(Decision No. 45869)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
SCOTT FOX, BOX 524, GOODLAND,  
KANSAS, FOR A CLASS "B" PERMIT TO  
OPERATE AS A PRIVATE CARRIER BY  
MOTOR VEHICLE FOR HIRE,  
-----

APPLICATION NO. 14410-PP

-----  
May 29, 1956  
-----

Appearances: Scott Fox, Goodland, Kansas,  
pro se;  
Wayne D. Williams, Esq., Den-  
ver, Colorado, for Denver-  
Limon-Burlington Transfer  
Co.;  
Thomas & Thomas, Esqs., Bur-  
lington, Colorado, for  
Wilbur C. Richardson;  
William Hodges, Jr., Esq.,  
Denver, Colorado, for Rock  
Island Motor Transit Co.

S T A T E M E N T

By the Commission:

The applicant is presently engaged in interstate commerce  
in the transportation of milk and cream from Goodland, Kansas, to  
Denver, Colorado.

By the present application filed May 2, 1956, as orally  
amended at the hearing, he seeks to obtain intrastate authority to  
transport cream from Burlington, Colorado, to Denver, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
May 21, 1956, and at the conclusion of the evidence, the matter was  
taken under advisement.

The applicant testified in support of his application that  
he presently operates a 1953 GMC truck and trailer for the transporta-

tion of milk and cream in cans from Kansas to Denver through Burlington, Colorado. The Burlington Produce Company ships cream to the Bredan Creamer in Denver, and the applicant would like to carry that cream at the regular freight rate on a three-day-per-week basis. His net worth is approximately \$6,000 and he has perhaps eight months experience in transportation for hire, although he has handled milk as a farmer for some time. The only customer he has in mind to serve would be the Burlington Produce Company.

Mr. Lowell Cowan, the operator of the Burlington Produce Company, testified in support of the application. He stated that he has other things to attend to and often is not at the produce company when the time arrives to ship milk or cream. The women who are there at those times have difficulty handling the cans. He expects to ship 15 to 18 cans of cream per month. He feels that he can get a personal service from the applicant, in whom he has great confidence. The applicant will also return empty cans promptly and will on occasion pick up the check in payment for the cream as an accommodation to him. For all these reasons, he would like to have the applicant's service. He is aware that the Denver-Limon-Burlington Transfer Company operates a common carrier scheduled service to Denver from Burlington five days a week. He has not tried their service for quite some time. He formerly shipped his milk to Omaha by rail, but now sells to Denver, using the Rock Island Railroad's motor transit service. He has no particular complaint with the Rock Island, except that empty cans are not returned until two days after they are shipped.

Mr. George C. Young, President of the Bredan Creamery Company, also testified in support of the application. He stated that his company is the prime mover of the application. They now receive milk from Kansas on the applicant's truck and, when they heard that the Burlington cream might be available, they asked the applicant to obtain authority to bring it in to them, thinking that he might give the best

service, since he already operates through Burlington at present. Mr. Young was not aware that the Denver-Limon-Burlington ownership had changed hands since his unsatisfactory experience with them several years ago. He did not understand that Denver-Limon-Burlington would make deliveries at his plant and that it would not be necessary to go to their dock to pick up milk and cream, nor did he understand that Denver-Limon-Burlington has a special dairy product rate which is considerably below the general freight rate and which includes delivery to the dairy and the return of empty cans. Having a satisfactory carrier in the applicant, he had not had occasion to look farther. The service of Rock Island, being a night service, does not meet his company's needs as he does not have employees on at the hour the milk would be ready to be picked up in Denver.

Mr. Robert C. Peterson, Secretary-Treasurer of Denver-Limon-Burlington Transfer Company, testified in protest. He stated that his company operates a scheduled common carrier service from Burlington to Denver five days a week, arriving in Denver in the early morning. He testified concerning the company's present service and its need to have all of the business it can obtain if it is to maintain its regular scheduled service, which by its nature, if it is to serve the public, must operate regardless of weather conditions and whether the load on a particular day is large or small.

The Commission in proceedings of this type is confronted with a dilemma; on the one hand it is our aim and purpose to see that every community in the State has efficient public transportation at reasonable cost; at the same time, we like, where it is possible, to accommodate the individual business man concerning his personal desires for transportation. In the case of scheduled common carriers, however, particularly in areas such as the eastern plains of Colorado where the population is dense, it is an imperative necessity, if any regular transportation system is to operate, that it have virtually

all the business it can get. Thus the continuance of efficient service to the public may be inconsistent with the individuals desire to have a particular new carrier. Unless some greater showing is made, than was made here, that the existing service is in some respect inadequate to meet the needs of the individual shipper, we feel that we can not, consistent with our statutory duty, permit a private carrier to enter the field and drain off part of the already sparse revenues.

The evidence in the present case does not establish that the service of Denver-Limon-Burlington Transfer Company is inadequate to the needs of the Burlington Produce Company or the Bredan Creamery Company. It appears that the service of the Rock Island is inadequate to the needs of these two companies, but so long as the Denver-Limon-Burlington is ready and willing to serve, we feel it must be given an opportunity to do so. If this service, when tried by the shipper and the creamery company, should turn out to be unsatisfactory, then we presume that a further application will be filed, at the hearing of which the fact of inadequacy will be established.

It appears to us at present that to grant this application would tend to result in impairing the efficient public service of the scheduled common carrier in the area. The application must therefore be denied.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the instant application should be denied.

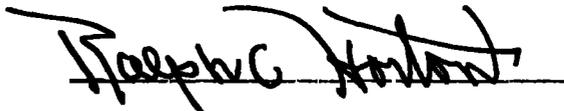
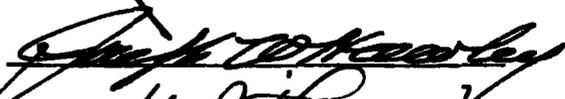
#### O R D E R

##### THE COMMISSION ORDERS:

That the instant application of Scott Fox, Goodland, Kansas, 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 29th day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GRAND OIL COMPANY, 815 ERNEST AND )  
GRAMER BUILDING, DENVER 2, COLORADO. )

PERMIT NO. M-947

-----  
May 31, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Grand Oil Company 815 Ernest and Gramer Building, Denver 2, Colorado

requesting that Permit No. M-947 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-947, heretofore issued to \_\_\_\_\_

Grand Oil Company be,

and the same is hereby, declared cancelled effective April 30, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holden*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 31st day of May, 195 6

br

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BROOK FRY, DOING BUSINESS AS "BUCKHORN  
STONE COMPANY," MASONVILLE, COLORADO. )

) PERMIT NO. M-3329  
)  
)  
)

-----  
May 31, 1956  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Brook Fry dba Buckhorn Stone Co.

requesting that Permit No. M-3329 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3329, heretofore issued to \_\_\_\_\_

Brook Fry dba Buckhorn Stone Co. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective May 25, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thomas*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 31st day of May, 1956

br

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BIRD CITY EQUITY MERCANTILE EXCHANGE, )  
BIRD CITY, KANSAS. )

PERMIT NO. M-4669

-----  
May 31, 1956  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Bird City Equity Mercantile Exchange

requesting that Permit No. M-4669 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4669, heretofore issued to \_\_\_\_\_

Bird City Equity Mercantile Exchange be,

and the same is hereby, declared cancelled effective April 24, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 31st day of May, 1956

br

original

(Decision No. 45873)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTHERN UNION GAS COMPANY, DALLAS, )  
TEXAS, FOR AUTHORITY TO ISSUE CER- )  
TAIN SECURITIES. )  
-----

APPLICATION NO. 14418  
SECURITIES

-----  
May 28, 1956  
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Appearances: Willis L. Lea, Jr., Esq.,  
Dallas, Texas, and  
Barry and Hupp, Esqs., Den-  
ver, Colorado, for Appli-  
cant;  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

This application was filed May 14, 1956, set for hearing on Friday, May 25, 1956, at 9:30 o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at that time and place was heard and taken under advisement by the Commission.

Southern Union Gas Company, the applicant herein, seeks authority of the Commission (a) to issue and sell 40,000 shares of applicant's cumulative preferred stock, par value \$100 per share, with a dividend rate of not to exceed  $5\frac{1}{4}\%$  per annum, and (b) to issue and sell \$10,000,000 principal amount of the applicant's new sinking fund debentures, due on or about May 1, 1976, to bear interest at a rate of not to exceed  $4\frac{1}{4}\%$  per annum.

The applicant is a corporation, organized, created, and existing under the laws of the State of Delaware, and is now lawfully transacting a public utility business in the State of Colorado, owning and operating a gas transportation and distribution system, serving Durango

and vicinity. It is also extensively engaged in the operation of natural gas properties located in Texas, New Mexico and Arizona.

The evidence shows that the applicant proposes to create out of its authorized and unissued cumulative preferred stock, par value \$100 per share, an additional series of preferred stock consisting of 40,000 shares with a dividend rate which has not yet been determined or become subject to exact determination but which, it is indicated, will not be in excess of  $5\frac{1}{4}\%$  per annum (such shares being hereinafter referred to as the "Preferred Stock"). Subject to the obtaining of necessary regulatory authorization, the applicant proposes to issue and sell such Preferred Stock pursuant to an underwriting agreement with one or more financially responsible underwriters, at not less than par plus dividends accrued from June 15, 1956. A commission will be paid by the applicant for the underwriting and sale of the Preferred Stock which, although not yet determined, will not be in excess of  $3\%$  of the aggregate par value thereof.

The evidence further shows that the applicant proposes to issue and sell, concurrently with the issue and sale of the Preferred Stock, \$10,000,000 principal amount of new sinking fund debentures, due on or about May 1, 1976 (hereinafter referred to as the "Debentures"). It is indicated that the same underwriting agreement will cover the issue and sale of both the Preferred Stock and the Debentures. The Debentures are to be sold to the underwriters at a price of not less than par plus interest accrued from the date to be borne by the Debentures, which it is indicated will be on or about May 1, 1956. The proposed indenture securing the new Debentures is expected to be dated as of a date on or about May 1, 1956, with The Northern Trust Company (Chicago) designated to serve as Trustee. It will contain standard provisions, conform to the requirements of the Federal Trust Indenture Act, and will provide, among other things, for a sink-

ing fund designed to retire the entire issue of the Debentures within their 20-year term. The coupon interest rate of the new Debentures has not yet been finally determined nor become capable of exact ascertainment. The applicant represents, however, that the interest rate fixed for the new Debentures will not be in excess of  $4\frac{1}{4}\%$  per annum. The applicant further represents that the commission to be paid by it in connection with the underwriting and sale of the Debentures will not exceed  $1\%$  of the aggregate principal amount thereof.

It is proposed that the proceeds of the sale of the Preferred Stock and Debentures referred to above will be used to the extent of \$6,000,000 to discharge bank loans of that amount incurred by the applicant late in 1955 and early in 1956 to finance expenditures for additions to and betterment of its plant and properties. It is proposed that the remainder of such proceeds will be initially added to the applicant's general funds and later expended for the acquisition of property or the construction, completion, extension or improvement of the applicant's facilities and service, both in Colorado and in the other states in which the applicant is now operating, and/or in reimbursement of its treasury for a portion of the moneys actually expended for the same purposes from income of the applicant or from other moneys in its treasury not secured by or obtained from the issue, assumption or guarantee of securities within five years prior to the filing hereof. In this connection, the evidence indicates anticipated expenditures by the applicant for its planned program of additions, betterments and extensions to plant and properties during 1956 in an aggregate amount of approximately \$10,400,000.

The applicant's capital structure is as follows:

	<u>December 31,</u> <u>1955</u>	<u>% of</u> <u>Total</u>	<u>After</u> <u>Proposed</u> <u>Financing</u>	<u>% of</u> <u>Total</u>
<b><u>EQUITY CAPITAL</u></b>				
Total Capital Stock	\$24,379,382		\$28,379,382	
Surplus	<u>8,814,451</u>		<u>8,814,451</u>	
Total Equity Capital	<u>\$33,193,833</u>	<u>54.6</u>	<u>\$37,193,833</u>	<u>51.1</u>
<b><u>LONG TERM DEBT</u></b>				
Bonds	\$25,380,000		\$35,380,000	
Miscellaneous & Notes	<u>2,215,908</u>		<u>215,908</u>	
Total Long Term Debt	<u>\$27,595,908</u>	<u>45.4</u>	<u>\$35,595,908</u>	<u>48.9</u>
<b>TOTAL CAPITAL STRUCTURE</b>	<u>\$60,789,741</u>	<u>100.0</u>	<u>\$72,789,741</u>	<u>100.0</u>

### F I N D I N G S

After careful consideration of the evidence adduced, and of the files, records and proceedings herein, the Commission is of the opinion, and finds:

1. That the Commission has jurisdiction over and with respect to Southern Union Gas Company, in certain of its operations, and that its interests and the interests of its consumers will not be adversely affected by the proposed transactions, or any of them; that the proposed transactions, and the purposes for which the securities referred to are to be issued, are consistent with and permitted by the provisions of the 1953 Colorado Revised Statutes, 115-1-4, and are consistent with the public interest; and that the application to be made of such securities, or the proceeds thereof, is permitted by applicable laws of Colorado.

2. That the foregoing Statement is made a part of these Findings herein, and by reference, is incorporated in these Findings.

### O R D E R

#### THE COMMISSION ORDERS:

To the full extent that its approval and authorization are required by the laws of Colorado, that the application of Southern Union

Gas Company is hereby granted and approved; and

1. That Southern Union Gas Company be, and it hereby is, authorized to issue and sell 40,000 shares of its cumulative preferred stock, par value \$100 per share, for cash at a price of not less than par plus dividends accrued from June 15, 1956, such shares of preferred stock to have an annual dividend rate of not to exceed  $5\frac{1}{4}\%$ , and to apply the proceeds from the sale thereof, all in the manner specified in the application;

2. That Southern Union Gas Company be, and it hereby is, authorized to issue and sell \$10,000,000 principal amount of its new sinking fund debentures, due on or about May 1, 1976, for cash at a price of not less than par plus interest accrued from the date borne by the debentures, such debentures to bear interest at a rate of not to exceed  $4\frac{1}{4}\%$  per annum, and to apply the proceeds from the sale thereof, all in the manner specified in the application;

3. That Southern Union Gas Company shall not pay underwriting fees and commissions in excess of 3% of the aggregate par value, in the case of the preferred stock, or in excess of 1% of the aggregate principal amount, in the case of the debentures;

4. That Southern Union Gas Company be, and it is hereby, authorized to take such further steps and actions as may, in conformity with applicable law and regulations, be necessary, incident, or appropriate to the full accomplishment of the transactions, or any of them, hereinabove approved and authorized;

5. That within ninety (90) days from and after the consummation of the respective transactions herein authorized, and in any event, on or before October 1, 1956, Southern Union Gas Company shall file its report with the Commission, showing confirmation of each such transaction consummated, together with the underwriting fee and commission paid, the price obtained per share of preferred stock and the annual dividend rate; the price obtained on its debentures, together with the

interests thereon;

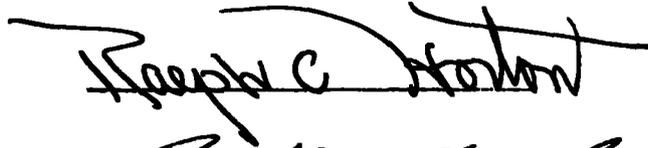
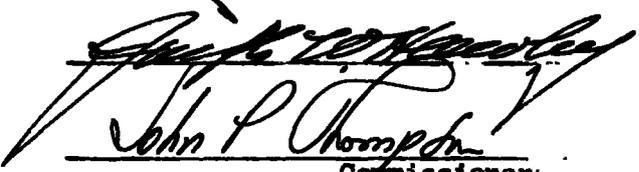
6. That each of the debentures and preferred stock certificates issued by applicant pursuant to the authority granted shall be identified by a legend appearing thereon as follows.

"Colo. PUC No. 14418"; and

7. That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, any of the aforesaid securities or the payments of dividends or interest thereon, on the part of the State of Colorado.

Authority herein granted shall be effective and exercisable from and after this date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioner

Dated at Denver, Colorado,  
this 28th day of May, 1956.

mls

Original

(Decision No. 45874)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD C. MITCHELL, DOING BUSINESS )  
AS "MOUNT EVANS MOTORWAY," BOX 966, )  
IDAHO SPRINGS, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER PUC NO. 1167 TO )  
HAROLD D. BARNETTE, DOING BUSINESS )  
AS "MOUNT EVANS MOTORWAY," BOX 81, )  
IDAHO SPRINGS, COLORADO. )

APPLICATION NO. 14407-Transfer

-----  
May 31, 1956  
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Appearances: Donald C. Mitchell, Idaho  
Springs, Colorado, pro se;  
Harold D. Barnette, Idaho  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 38544, dated April 28, 1952, Phyl Magee (formerly Phillippa Oliver Menafee), doing business as "Mount Evans Motor Way," Idaho Springs, Colorado, was authorized to transfer all her right, title, and interest in and to PUC No. 1167 to Donald C. Mitchell, doing business as "Mount Evans Motorway," Idaho Springs, Colorado, with authority as follows:

Transportation of sightseeing passengers on round-trips from Idaho Springs to Troutdale via Evergreen; to Mt. Evans via Bergen Park and Echo Lake, returning by Chicago Creek or vice versa; to Camp Wilaha and Long House; to Georgetown via Dumont and Lawson; to Silver Plume (including Famous Georgetown Loop); to Graymont via Silver Plume (including Famous Georgetown Loop); to Berthoud Pass (Top of the World) via Empire; to St. Mary's Lake and St. Mary's Glacier via Alice; to Central City via Russell Gulch; to Blackhawk via Russell Gulch and Central City; to American City via Central City and Apex; to East Portal via Rollinsville and Tolland; to the Deserted City (Nevadaville); to Clear Creek and Green Lakes via Georgetown; to West Portal via Berthoud Pass; to Grand Lake via Berthoud Pass; to Monarch Lake via Berthoud Pass.

All operations of the applicant shall be limited to round-trips and completed in one day.

All trips shall begin and end in Idaho Springs.

As extended by Decision No. 3041 to include common carrier call and demand taxi service:

for the transportation of passengers in taxi service between any points within the City of Idaho Springs, and from Idaho Springs, only, to any points within the State of Colorado.

By Decision No. 40735, dated June 15, 1953, Donald C. Mitchell, doing business as "Mount Evans Motorway," Idaho Springs, Colorado, was authorized to extend operations under PUC No. 1167 to include:

Transportation of passengers and their baggage in taxi service:

- (a) Between points in Gilpin and Clear Creek Counties, Colorado; and
- (b) Between points in Gilpin and Clear Creek Counties, Colorado, and from points in Clear Creek and Gilpin Counties, Colorado, on the one hand, and to points in Colorado on the other hand.

By the instant application, Donald C. Mitchell, doing business as "Mount Evans Motorway," Idaho Springs, Colorado, seeks authority to transfer PUC No. 1167 to Harold D. Barnette, doing business as "Mount Evans Motorway," Idaho Springs, 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, May 21, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The transferor Mr. Mitchell verified the terms of the contract for sale. The total purchase price is \$500.00, of which \$275 has been paid and the remainder is to be paid within 90 days. He stated that there is no indebtedness connected with the certificate

nor his operation thereunder. No equipment is being transferred, and no security transaction is involved. The transferor has no other for hire authority and will be completely out of the transportation business if the transfer is approved.

The transferee Mr. Barnette also testified. He verified the contract of sale also. He stated that he is familiar with the terms of the authority and will operate in accordance with it and with the Commission's rules and regulations governing such operations. He plans to operate as a sole proprietor doing all of the driving himself, for the present at least. He has no other authority from any regulatory agency to engage in transportation for hire. He will use a 1956 Chevrolet four-door sedan. His net worth is approximately \$6,500. Arrangements have been made to obtain insurance. He has lived in Colorado only two years and in Idaho Springs only nine months; investigation has been made by the Commission's safety inspector, however, and it appears that Mr. Barnette is fully qualified to engage in the operation he proposes.

No one appeared in protest of the transfer and no reason appears why the transfer should not be permitted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

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 Donald C. Mitchell, doing business as "Mount Evans Motorway," Idaho Springs, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to

PUC No. 1167 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Harold D. Barnette, doing business as "Mount Evans Motorway," Idaho Springs, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

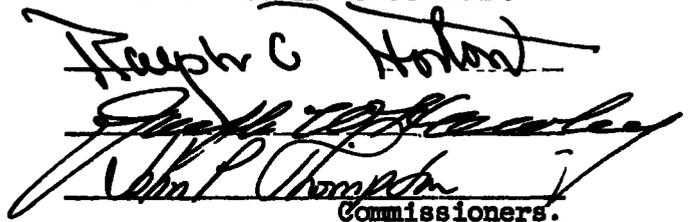
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements 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, unless such time shall be extended by the Commission, upon proper application.

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 operations under said certificate up to the time of transfer of said certificate.

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 31st day of May, 1956.

original

(Decision No. 45876)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF MERLE J. TAGGART, 5074 OSCEOLA STREET, DENVER, COLORADO, FOR AN EX- TENSION OF PERMIT NUMBER B-3939.	}	<u>APPLICATION NO. 14408-PP-Extension</u>
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-----  
May 31, 1956  
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Appearances: Merle J. Taggart, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant is presently engaged as a private carrier by motor vehicle in the transportation generally of telephone poles and rough lumber to the Denver Metropolitan area from the forest areas of north-central Colorado.

By the present application, he seeks to have this rough lumber authority extended to permit him to deliver to the Metropolitan area of Denver from an area more particularly described in the following Order, but being generally the southwest quarter of the State.

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, May 21, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified concerning his present authority and equipment. He stated that the customers he is presently serving in his present territory are shifting their sources of supply to new areas and that he wishes merely to follow this traffic to the new areas, and has been requested to do so by his present customers. He appears to be experience in this type of operation. His net worth is approximately

\$35,000.

No one appeared in opposition to the granting of the application and no reason appears why the same should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the extension sought should be granted.

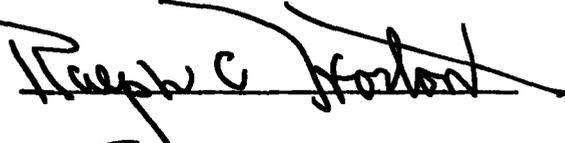
O R D E R

THE COMMISSION ORDERS:

That Merle J Taggart, Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-3939, to include the transportation of forest and sawmill products (no finished lumber) from forests and sawmills in Colorado south of U. S. Highway No. 6 and west of U. S. Highway No. 85 to Denver, Colorado, and points in the Denver Metropolitan Area (10-mile radius of Denver).

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 31st day of May, 1956.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LOUIS B. ANDERSON, LARKSPUR, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 14178-PP

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May 31, 1956  
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Appearances: Louis B. Anderson, Larkspur,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The present application was filed November 16, 1955, seeking authority as a Class "B" private carrier by motor vehicle for hire for the transportation of milk and dairy products to the Frink Creamery Company at Larkspur from an area more particularly described in the following Order, but being generally the eastern one-third of El Paso County, Colorado, with return of empty cans and milk-patron supplies.

The matter was regularly set for hearing, but the applicant excusably failed to appear; the matter was reset and finally heard upon due notice to all interested parties on May 21, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

The applicant testified in support of his application. He stated that he has been doing this work for the Frink Creamery under its commercial authority for approximately one year. He owns and uses a 1955 Ford truck suitable to the transportation of milk in cans. His net worth is approximately \$20,000. The Frink Creamery Company now wishes to discontinue operating its own transportation service and merely hire the transportation. It has, therefore, asked him to take over the operation from them.

Several witnesses appeared in his behalf.

There was no protest of the application and no reason appears why the same should not be granted.

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:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Louis B. Anderson, Larkspur, 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 milk and other dairy products, from farms within the area described as:

from Larkspur to Palmer Lake and Monument, with pick-up at farms en route and within a five-mile radius of Monument; thence along State Highway No. 50 to Eastonville; thence within an area bounded by Eastonville, Peyton, Ellicott, Rush, Simla, Ramah, Eastonville; thence return to Larkspur via State Highway No. 50, area to include farms on both sides of road along any boundary line or route to and from general area; to Frink Creamery Company at Larkspur, Colorado, with return of empty cans and milk-patron supplies.

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

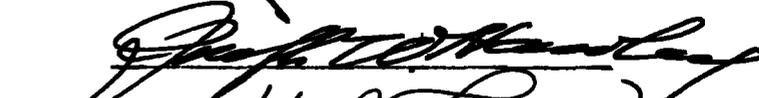
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of

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

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of May, 1956.

mls

original

(Decision No. 45878)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RYBURN F. SAGO, 1690 KANMITHA )	
STREET, DENVER, COLORADO, FOR A )	
CLASS "B" PERMIT TO OPERATE AS A )	APPLICATION NO. <u>14328-PP</u>
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

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May 31, 1956  
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Appearances: Ryburn F. Sago, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Ryburn F. Sago, Denver, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 27, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 26, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing applicant testified that he is engaged in transportation of sand and gravel, as set out in his application; that in addition thereto, he is engaged in transportation of dirt from and to construction jobs in the City and County of Denver, and within a radius of ten miles thereof, and asked that his application be amended to include such service; that he has had requests for such services; that he is the owner of a 1951 and a 1952 Ford Tandem Dump Truck; that his net worth is \$20,000; that he heretofore was the owner of Permit No. B-3653, and requested that in the event the instant application is granted, operating rights shall bear said number.

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.

Report of the Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the services sought in the instant application; that no good purpose would be served by denying amendment to his application to include transportation of dirt in an area including Denver and a ten-mile radius thereof; that there is presently a need for applicant's service, and that the granting of authority herein sought will not impair the efficiency of service of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner

referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

That operating rights herein granted should bear the number "B-3653," being the number of a permit formerly held by applicant herein.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Ryburn F. Sago, 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, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; dirt, from and to construction jobs in the City and County of Denver, and within a radius of ten miles thereof.

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-3653."

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Maelye Horton

Frank W. Hawley

John P. Thompson

Commissioners.

Dated at Denver, Colorado,  
this 31st day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CHARLES FRANCIS MANGUS, 5560 EAST )	
67TH PLACE, DERBY, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 14330</u>
AND NECESSITY TO OPERATE AS A COM- )	
MON CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

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May 31, 1956  
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Appearances: Charles Francis Mangus,  
Derby, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of refuse, trash and ashes, from an area within the territory known as "Derby," the boundaries thereof being the following streets: bounded on the north by 68th Avenue, on the east by Kearney Street, on the south by 64th Avenue, and on the west by U. S. Highway No. 6.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 27, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 26, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Report of the Examiner indicates that when said matter was called for hearing, applicant requested that said matter be continued for hearing at a later date.

Report of the Examiner recommends that said continuance be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That the above-styled matter should be continued, to be re-set for hearing at a later date to be determined by the Commission.

O R D E R

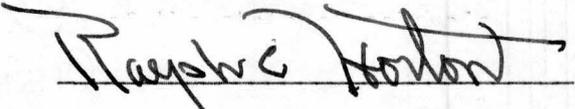
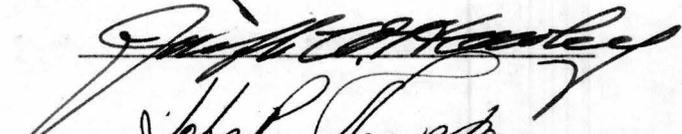
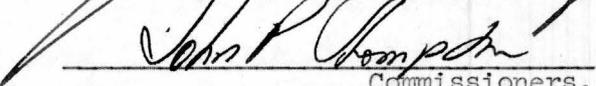
THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Application No. 14330 should be, and the same hereby is, continued, to be re-set for hearing at a later 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

  
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\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
VERNON R. BAUER, GRANBY, COLORADO, )	
FOR A CLASS "B" PERMIT TO OPERATE )	<u>APPLICATION NO. 14273-PP</u>
AS A PRIVATE CARRIER BY MOTOR VE- )	
HICLE FOR HIRE. )	
----- )	

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May 31, 1956  
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Appearances: Vernon R. Bauer, Granby,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Vernon R. Bauer, Granby, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs and poles, within the State of Colorado, from forests, to sawmills and railroad loading points within a radius of thirty miles of said forests.

Said application was regularly set for hearing before the Commission, at the Court House, Hot Sulphur Springs, Colorado, on April 17, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 10, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner shows that in view of the fact that there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

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

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

Report of the Examiner states that applicant is a fit and proper person, has sufficient equipment, and is financially able to perform the services sought by the instant application; that the efficiency of service rendered by any common carrier operating in the territory sought to be served by applicant will not be impaired by the granting of authority herein sought.

Report of the Examiner recommends that authority sought should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Vernon R. Bauer, Granby, 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 and poles, from forests in the State of Colorado, to sawmills and railroad loading points within a radius of thirty miles of such forests.

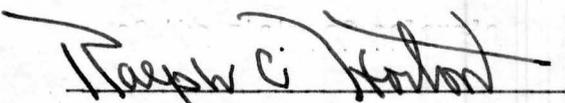
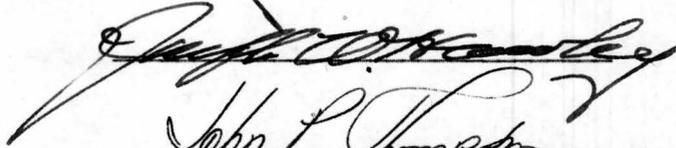
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

  
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Commissioners.

Dated at Denver, Colorado,  
this 31st day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION OF THE MOTOR TRUCK )  
COMMON CARRIERS' ASSOCIATION, AS )  
AGENT, FOR AND ON BEHALF OF )  
EDWARD F. MARTIN, DOING BUSINESS )  
AS FLAGLER-DENVER TRUCK LINE, )  
FLAGLER, COLORADO, TO INCREASE THE )  
CLASS RATES OF THIS CARRIER BETWEEN )  
DENVER, COLORADO, ON THE ONE HAND )  
AND FLAGLER AND SEIBERT, COLORADO, )  
ON THE OTHER HAND. )

CASE NO. 1585

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May 29, 1956  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of an application (No. 296) from The Motor Truck Common Carriers' Association, as agent, for and on behalf of Edward F. Martin, doing business as Flagler-Denver Truck Line, Flagler, Colorado, requesting authority to increase the class rates between Denver, Colorado, on the one hand, and Flagler and Seibert, Colorado, on the other hand, as follows, for account of the Flagler-Denver Truck Line:

		Class Rates In Cents Per 100 Pounds											
BETWEEN  AND		DENVER, COLORADO											
		L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds			
		1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
FLAGLER, COLO.													
PROPOSED		158	134	112	86	153	129	107	81	118	124	102	76
PRESENT		114	122	102	78	109	93	77	60	78	68	56	44
SEIBERT, COLO.													
PROPOSED		162	138	114	89	157	133	109	84	152	128	104	79
PRESENT		117	125	104	81	113	95	78	61	83	69	58	45

The application sets forth the following facts in support of its request.

"Carrier has submitted the attached statement of income and expenses for the period September 1 to December 31, 1955, which indicates that the loss for the period was \$340.64. This would indicate that carrier is in need of additional revenue. Also, the proposed rates are the same as those presently in effect for account of the Denver-Limon-Burlington Transfer Company between the same points, and it is the desire of the new owner of the Flagler-Denver Truck Line to maintain rates in its territory which are the same as those of competing carriers."

The certificate of public convenience and necessity of the Flagler-Denver Truck Line was transferred to E. F. Martin on November 25, 1955. However, Mr. Martin took over the operation in September under temporary authority from the Commission.

The statement of income and expense which accompanied the application covers the period September 1, 1955, to December 31, 1955, and shows \$2,277.10 revenue and \$2,617.74 expenses with a net loss of \$340.64.

The proposed adjustment represents an increase of 10 per cent on less-truck-load rates, approximately 39 per cent on 5,000 pounds and approximately 83 per cent on 10,000 pounds. However, as previously stated herein they are the same as those applicable via the Denver-Limon-Burlington Transfer Company, which became effective March 28, 1955.

While uniformity in rates between carriers serving the same points is the first principal of rate regulation, such uniform rates must be shown to be just, reasonable and sufficient.

The operation of the Flagler-Denver Truck Line for the last four months of 1955 resulted in an average loss per month of \$85.16. It is quite obvious that this operation cannot continue and sustain such a loss. We believe the proposed increases have been justified.

#### F I N D I N G S

##### THE COMMISSION FINDS:

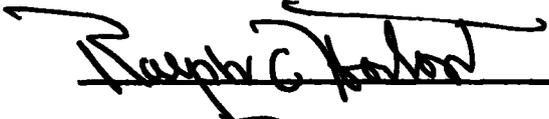
That the proposed class rates between Denver, Colorado, and Flagler and Seibert, Colorado, set forth in the statement should be authorized and an order should be entered prescribing the same for account of the Flagler-Denver Truck Line.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The class rates between Denver, Colorado, and Flagler and Seibert, Colorado, set forth in the statement under the "proposed" heading shall be published for account of Edward F. Martin, doing business as Flagler-Denver Truck Line, and any or all private carriers by motor vehicle operating in intrastate commerce in competition with the above named motor vehicle common carrier, to become effective June 11, 1956, on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
4. On and after June 11, 1956, Edward F. Martin, doing business as Flagler-Denver Truck Line shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates herein prescribed.
5. On and after June 11, 1956, all private carriers by motor vehicle to the extent they are affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.
6. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier.
7. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until the further order of the Commission.
8. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 29th day of May, 1956.

mem

original

(Decision No. 45882)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
EDWARD G. THIGPEN, 3321 COOK STREET, }  
DENVER, COLORADO, FOR A CLASS "B" }  
PERMIT TO OPERATE AS A PRIVATE }  
CARRIER BY MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 14329-PP

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May 31, 1956  
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Appearances: Edward G. Thigpen, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado April 27, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 26, 1956, the Commission, as provided by law, desig-

nated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner indicates that at the hearing applicant testified that he was engaged in the transportation of sand and gravel and other road-surfacing materials, as well as insulrock; that he has received many requests for this type of service; that presently he is operating under temporary authority issued by the Commission, and is hauling for Littleton Ready-Mix Company and Atlas Sand and Gravel Company; that he is the owner of two dump trucks, and has a net worth of \$20,000.00.

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.

Report of the Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the services sought by the instant application; that there is presently a need for applicant's services, and that the granting of the authority herein sought will not impair the efficient public service of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority herein sought should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to

therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Edward G. Thigpen, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

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

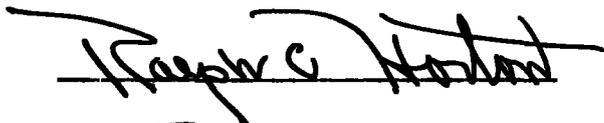
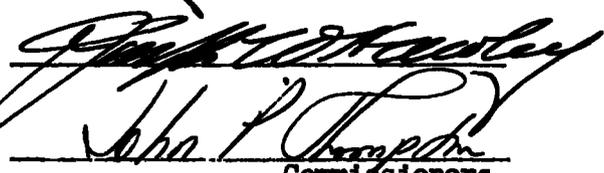
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall de-

pend 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 31st day of May, 1956.

mls

original

(Decision No. 45883)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
A. M. BRUBAKER, ORDWAY, COLORADO, )	
FOR A CLASS "B" PERMIT TO OPERATE )	APPLICATION NO. 14395-PP
AS A PRIVATE CARRIER BY MOTOR VE- )	
HICLE FOR HIRE. )	
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-----  
May 31, 1956  
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Appearances: A. M. Brubaker, Ordway,  
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 garbage and trash, under contract with the Town of Ordway, Colorado: garbage to be hauled within a distance of about four miles, and trash about two miles of the Town of Ordway, Colorado; same routes to be traveled each day.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Eads, Colorado, May 24, 1956, 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 1950 Chevrolet one and one-half-ton truck, with which he will conduct his operation, if authority herein sought is granted; that his net worth is \$2,500.00; that he has proper insurance coverage for his proposed operation; that his principal customer will be the Town of Ordway, with which he presently holds a contract.

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 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 A. M. Brubaker, Ordway, 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 garbage and trash, under contract with the Town of Ordway, Colorado; garbage to be hauled within a distance of approximately four miles, and trash about two miles of the Town of Ordway, Colorado, and same routes to be traveled each day.

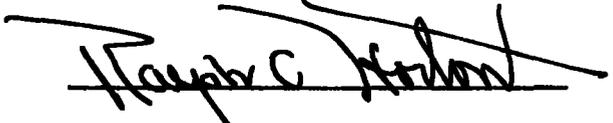
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 31st day of May, 1956.

mls

original

(Decision No. 45884)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CECIL M. MAGEE, 4436 OSCEOLA STREET, )	
DENVER, COLORADO, FOR A CLASS "B" )	<u>APPLICATION NO. 14326-PP</u>
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
May 31, 1956  
-----

Appearances: Cecil M. Magee, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks authority to 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 jobs, mixer plants and processing plants within a radius of fifty miles of said pits and supply points; coal from mines in the Northern Colorado coal fields within a radius of fifty miles of Denver, Colorado, to Denver, and to points within a radius of ten miles of Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 27, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 26, 1956, as provided by law, the Commission designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings

to the Commission.

Report of said Examiner indicates that at the hearing applicant testified that he is engaged in the transportation of sand, gravel, coal, and dirt; that he has had requests for such service; that he failed to include transportation of dirt to and from construction jobs in an area including Denver and ten miles thereof, and asked that his application be amended to include such service; that he is the owner of a 1953 two-ton Chevrolet Truck, and has a net worth of \$9,000.00.

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.

Report of the Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service sought by the instant application; that no good purpose would be served in denying the amendment to said application to include transportation of dirt in an area including Denver and a ten-mile radius thereof; that there is presently a need for applicant's service, and that the granting of authority sought would not impair the efficient public service of any authorized common carrier operating in the territory sought to be served by applicant herein.

Report of the Examiner recommends that authority sought should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Cecil M. Magee, 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, from pits and supply points in the State of Colorado, to road jobs, mixer plants, and processing plants within a radius of fifty miles of said pits and supply points; coal, from mines in the Northern Colorado coal fields within a radius of fifty miles of Denver, Colorado, to Denver, and to points within a radius of ten miles of Denver, Colorado; dirt, to and from construction jobs in the City and County of Denver and a radius of ten miles thereof.

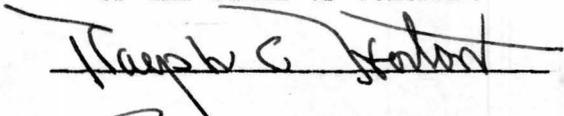
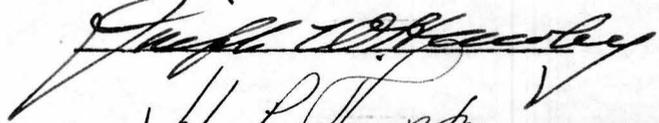
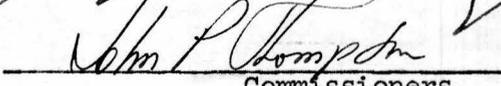
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 31st day of May, 1956.  
ea

original

(Decision No. 45885)

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

IN THE MATTER OF THE APPLICATION OF )  
INTERMOUNTAIN AVIATION, INC., 3975 )  
YORK STREET, DENVER, COLORADO, FOR )  
AUTHORITY TO TRANSFER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY ) APPLICATION NO. 14360-Transfer  
GRANTED IN APPLICATION NO. 8734, )  
DECISION NO. 30379, TO RICHARD G. )  
KOPLITZ, 2600 HOLLY STREET, DENVER, )  
COLORADO. )  
----- )

-----  
May 31, 1956  
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Appearances: Harold Sheldon, Denver,  
Colorado, for Applicants;  
Neil Tasher, Esq., Denver,  
Colorado, for Clinton  
Aviation, Rocky Mountain  
Aviation, Drapela Flying  
Service, Vest Aircraft.

S T A T E M E N T

By the Commission:

By the above-styled application, Intermountain Aviation, Inc., Denver, Colorado, seeks authority to transfer to Richard G. Koplitz, Denver, Colorado, certificate of public convenience and necessity to operate as a common carrier by airplane, originally granted by Decision No. 30379, in Application No. 8734, and acquired by it pursuant to authority contained in Decision No. 36268, of date March 15, 1951.

Said applicant, 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, May 10, 1956, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that transferee, pecuniarily and otherwise, is qualified to carry on the operation heretofore

conducted by transferor, despite the fact that applicant was cross-examined extensively by protestants' attorney.

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

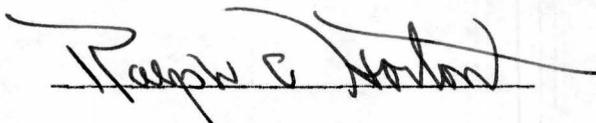
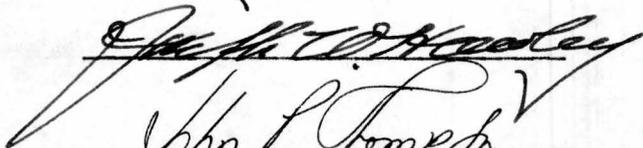
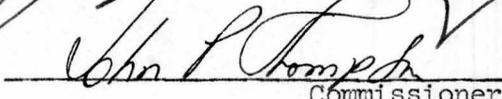
THE COMMISSION ORDERS:

That Intermountain Aviation, Inc., Denver, Colorado, should be, and hereby is, authorized to transfer all right, title, and interest in and to certificate of public convenience and necessity to operate as a common carrier by airplane, originally granted by Decision No. 30379, in Application No. 8734, and acquired by it pursuant to authority contained in Decision No. 36268, of date March 15, 1951, to Richard G. Koplitz, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of 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.

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 31st day of May, 1956.

ea

original

(Decision No. 45886)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE MC CLANAHAN, DEL NORTE, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 14396-PP-Transfer  
PERMIT NO. B-1961 TO DAVE L. PACHECO, )  
RFD ROUTE 1, DEL NORTE, COLORADO. )  
----- )

-----  
May 31, 1956  
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Appearances: Conour and Conour, Esqs.,  
Del Norte, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

George McClanahan, Del Norte, Colorado, is the owner  
of Private Carrier Permit No. B-1961, authorizing:

Transportation of milk from point to point  
within a radius of fifty miles of Del Norte,  
and transportation of farm products (no live-  
stock), limited to a pick-up radius of 15  
miles of Del Norte, to and from points within  
a radius of not to exceed 50 miles of Del  
Norte; provided, however, that no trans-  
portation of farm products shall be made  
into Monte Vista except from farms.

By the instant application, he seeks authority to  
transfer said permit and the operating rights thereunder to  
Dave L. Pacheco, Del Norte, Colorado.

Said application was set for hearing at the Court House  
in Alamosa, Colorado, for May 23, 1956, and then transferred to  
the City Hall in Alamosa, where the matter was heard and taken  
under advisement.

George McClanahan, the owner of said permit, testified  
that there is no outstanding indebtedness against the permit or  
operations thereunder. He has been serving approximately 50  
customers and is unable to furnish such service in the future.

He has agreed to sell said permit to transferee for the sum of \$200.00, to be paid upon authorization by the Commission for the transfer.

Dave L. Pacheco, transferee herein, testified that he owns a 1947 GMC 1½-ton truck and leases a 1946 Ford 2-ton truck for use in the operation. He has had experience in the transportation business since 1949. He identified his financial statement attached to the application, showing his net worth as approximately \$300.00.

There was no opposition to favorable action on the instant application to transfer, and transferee's financial responsibility and his operating experience were shown to the satisfaction of the Commission.

#### 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 McClanahan, Del Norte, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1961 -- being the authority set forth in the preceding Statement which, by reference, is made a part hereof -- to Dave L. Pacheco, Del Norte, Colorado, subject to the payment of outstanding indebtedness, if any there be, whether secured or unsecured.

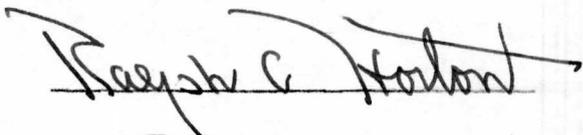
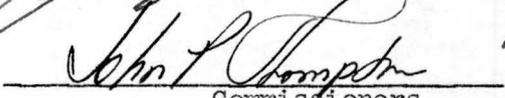
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of May, 1956.

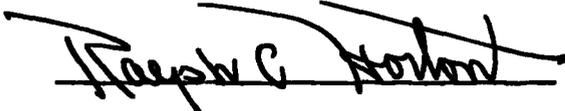
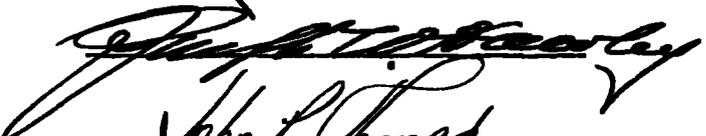
ea



granted, and said Application No. 13874-PP be, and 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 31st day of May, 1956.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JESSE F. JONES AND HAZEL S. JONES,  
CO-PARTNERS, 4601 WEST SIXTH AVENUE,  
DENVER, COLORADO, FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
TO OPERATE AS A COMMON CARRIER BY  
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 14199  
APPLICATION NO. 14199-PP-Amended

-----  
June 1, 1956  
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Appearances: Charles E. Werthan, Esq., Den-  
ver, Colorado, for Applicant;  
Robert E. McLean, Esq., Denver,  
Colorado, for Arvada Rubbish  
Removal, Allspach Rubbish Re-  
moval, Harry R. Ellis, Lon R.  
Gilbert, Weber's Hauling Ser-  
vice.

S T A T E M E N T

By the Commission:

By the above-styled application, applicants herein seek a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of rubbish, trash, and ashes, within the City and County of Denver, and between the points within the territory described as: U. S. Highway No. 6 on the east, Federal Boulevard on the west, the North City Limits of the City and County of Denver on the south, and extending north of said City Limits of the City and County of Denver, to 72nd Avenue, as extended.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, May 9, 1956, due notice thereof being forwarded to all parties in interest.

On May 8, 1956, the Commission, as provided by law, desig-

nated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

On May 9, 1956, when said matter was called for hearing, it was agreed by all parties appearing that the testimony of John E. Swanson be taken, and said matter thereafter continued to 9:30 o'clock A. M., May 14, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

John E. Swanson testified that he is the Roadmaster for Union Pacific Railroad Company, and that as such Roadmaster, he has supervision of the removal of trash, rubbish, and debris from the right-of-way and tracks of said railroad; that applicant herein is performing this service for Union Pacific Railroad on a contract basis; that said operation is in the nature of a specialized service.

Said matter was heard on May 14, 1956, by Louis J. Carter, as Examiner, he thereafter submitting a report of said proceedings had on May 9, 1956, and May 14, 1956, to the Commission.

Report of said Examiner indicates that at the hearing held on May 14, 1956, Jesse F. Jones testified that he and his wife, Hazel S. Jones, have been engaged in the transportation of ashes, trash, and other refuse in the City and County of Denver since 1941; that he has engaged in some transportation outside the City of Denver in the territory described in his application, for Union Pacific Railroad Company, on a contract basis; that the territory outside Denver covered by his application is building up, four hundred new homes having been recently constructed; that a new plant is being erected by Sunstrand Company in said area; that applicants are the owners of three trucks, and are financially able to obtain additional equipment, if necessary; that if the evidence herein showed that applicants might be applying for private carrier authority, they would agree to accept such permit.

Omar Garner testified that he is a Section Foreman for Union Pacific Railroad Company; that, as such foreman, he has responsibility

for the care of the railroad tracks of that Company within the territory sought to be served by applicant; that applicant is performing such service for the railroad satisfactorily.

Otto F. Williams, Terminal Manager for Union Pacific Railroad Company, testified that applicant has been hauling trash and debris from the tracks and right-of-way of said railroad; that said service was, for some time, performed upon an hourly rate, but at the present time, is being performed under contract; that his company is satisfied with services rendered by applicant.

Applicant requested that the record show the date of the issuance by the Commission of the last authority in the territory outside the City and County of Denver that would be affected by his application.

The records and files of this Commission show that at least nine carriers can serve the territory sought to be served by the instant application, either in whole or in part; that the last authority issued for such service was issued in June, 1954.

In opposition, Harry R. Ellis testified that he is the owner of PUC No. 2858, with authority to transport ashes and trash; that under said operating rights, he is authorized to serve, and is serving, the territory outside Denver that is sought to be served by the instant application; that he is only one of several who have such authority; that, while the territory is growing, his truck is only busy part of the time; that he advertised in the local paper, by cards, and personal solicitation; that, in his opinion, there is no need for additional authority, as sought by the instant application.

It was stipulated that W. J. Weber, doing business as "Weber Hauling Service," William Allspach, of Allspach Rubbish Removal, and Albert Klarner, of Arvada Rubbish Removal, would, if called, testify both on direct and cross-examination, as did Witness Harry R. Ellis.

Report of the Examiner further states that applicants have

been engaged in the transportation of ashes, trash, and other refuse in the City and County of Denver since 1941, and that they were so engaged on January 1, 1955, being the effective date of Constitutional Amendment giving The Public Utilities Commission of the State of Colorado jurisdiction over public utilities in home-rule cities, thereby establishing Grandfather Rights; that applicants are fit and proper persons, have sufficient equipment, and are financially able to render the service recommended by said Examiner; that while the evidence disclosed that the territory sought by the instant application outside the City and County of Denver is growing, and there is much evidence of future growth, there is no evidence that the territory is not being properly served by those carriers now having authority to serve, nor is there any evidence of the need for additional service in said territory, except that given by the officials of Union Pacific Railroad Company; that no resident or businessman in this territory appeared in support of said application; that applicant herein has entered into a contract with Union Pacific Railroad Company to remove trash, rubbish, and debris, from the tracks and right-of-way of said company, both in the City and County of Denver, and in that territory north of the City and County of Denver between the north boundary line of said City to Seventy-Second Avenue; that said service is being performed under a special contract between the railroad company and applicant, which makes applicant herein a private carrier by motor vehicle for this particular portion of his operations; that if applicant had filed application for private carrier authority, Examiner would, upon this record, recommend that permit issue; that the granting of a private carrier permit, as limited by the Examiner's recommendation, would not impair the efficient public service of any common carrier; that no good purpose would be served by requiring applicant to file an amended application.

Report of the Examiner recommends that a certificate of public

convenience and necessity be issued to applicants herein, as limited by Examiner's recommendations, and that a Class "B" private carrier permit also be granted applicants, as limited by said Examiner's recommendations.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicants' motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

That applicants herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the following Order, conditioned upon payment by applicants of required Private Carrier Application fee.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Jesse F. Jones and Hazel S. Jones, co-partners, Denver, Colorado, for the transportation of ashes, trash, and other refuse, between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places, in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado, 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 regu-

lations 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 applicant with all present and future laws and rules and regulations of the Commission.

That Jesse F. Jones and Hazel S. Jones, co-partners, Denver, 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 ashes, trash, and other refuse, from the tracks and right-of-way of Union Pacific Railroad Company, located in the City and County of Denver, and that portion of said tracks and right-of-way lying between the north boundary line of the City and County of Denver and Seventy-Second Avenue, as extended; and from said tracks and right-of-way, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, 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.

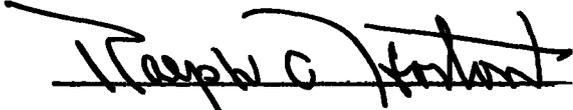
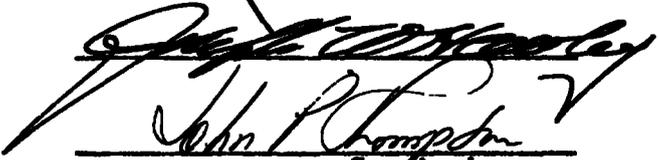
That this Order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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.

That issuance of private carrier authority herein granted shall be conditioned upon payment by applicants of Private Carrier Application fee.

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 1st day of June, 1956.

mls

Engine

(Decision No. 45889)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD COHN, DOING BUSINESS AS )  
"COHN'S TRUCKING SYSTEM," ROUTE 2, )  
BOX 205, ALAMOSA, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 14397-PP

-----  
June 1, 1956  
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Appearances: Leonard M. Haynie, Esq.,  
Alamosa, Colorado, for  
Applicant;  
Conour and Conour, Esqs.,  
Del Norte, Colorado,  
for James Ashton and J.  
P. Wiederkehr & Son;  
Ernest Porter, Esq., Den-  
ver, Colorado, for Rio  
Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

By the instant application, Richard Cohn, doing business as "Cohn's Trucking System," Alamosa, Colorado, seeks a Class "B" permit as a re-issue of former Private Carrier Permit No. B-3016, heretofore held by him.

The matter was set for hearing at the Court House in Alamosa, Colorado, for May 23, 1956, with due notice to all interested parties, and then transferred to the City Hall in Alamosa, where the matter was heard and taken under advisement.

It appears from the records of the Commission that the original permit issued to one Hobert C. Applegate on November 8, 1943, authorizing the transportation of:

livestock between points within the area extending seven miles west, ten miles east, ten miles north, and ten miles south of Center, and from and to points in said area, to

and from Alamosa, Pueblo, Colorado Springs and Denver, and the transportation of farm products between points in the same area, and from points in said area to Monte Vista and Alamosa, with the right to haul farm supplies between points in said pick-up area, and to back-haul farm supplies from Alamosa and Monte Vista, said authority to extend for the duration of the war and six months thereafter, only, with the right, however, granted to applicant if he desires to continue operations, to renew his application at or prior to that time, said applicant also to be limited in performing said service to the use of one truck of the type and capacity heretofore referred to which he now contemplates using.

By Decision No. 27324, of date January 13, 1947, the Commission authorized the transfer of said permit to Richard Cohn, Alamosa, Colorado. Reference to the original authority shows that it was to extend for the duration of the war and six months thereafter, with permission to the applicant, if he desired to continue operations, to renew his application at or prior to that time.

By Decision No. 34504, of date March 31, 1950, the Commission found that the purpose of the permits limited as to time had been accomplished, and that the phrase "for the duration of the war" and similar phrases used in prior orders authorizing transportation should be construed as applying generally to the period of hostilities during World War II rather than the period to the signing of peace treaties; that for the purpose of determining a definite expiration date for all authorities so limited, April 1, 1950 was declared to be the end of the "duration of the war;" that on April 1, 1950, the winding up period of 3 or 6 months provided by the various certificates should begin to run on all such authorities, and that all authorities limited in time by such phrases should terminate, expire, and come to an end 6 months after April 1, 1950, or October 1, 1950, unless prior to the expiration of said winding up periods, applications should be made and orders issued by the Commission altering, extending, amending or making permanent all such temporary authorities.

The records show that Richard Cohn was notified time and again by the Commission that if he wished to continue operations under said permit he should file application to make his authority permanent. This notice was given prior to October 1, 1950, fixed as the limit for such application, and at several subsequent times, but no application for an order making such temporary authority permanent was ever filed, and under the terms of said Decision No. 34504, said permit expired.

No action was taken by Richard Cohn, although the evidence showed that he continued operations under said permit continuously until the filing of the instant application on February 23, 1956. At the time of the hearing, however, counsel for applicant requested the Commission to consider the instant application, not only as one for the re-issue of the original permit, but as a motion under said Decision No. 34504, to make the original authority permanent, and this permission was granted by the presiding Commissioner.

Richard Cohn testified that he has had 9 years experience in the transportation business, the list of his equipment being on file with the Commission, and his net worth is \$3,000.00. He excused his failure to file application to make the permit permanent under the Commission's order by laying the blame upon one of his former attorneys. He referred to the customer list on file, the last list being filed in 1952, and testified that he is now serving the same customers named on said list and additional customers, the total being thirty-five. He is operating two trucks and has never filed application for the use of more than the one truck to which he was limited by the order granting the original authority. He claims to have been conducting operations under said permit in the same way he has been conducting the same since his purchase of the same from Applegate. The second truck which he is operating he claims to use in his operations under other permits and certificate, to-wit: Private Carrier Permit No. B-3317, PUC-3042-I and

Commercial Carrier Permit No. M-3407.

No testimony was offered by protestants.

The experience of applicant in the transportation field has been shown, as well as his financial stability and, although he has disregarded former letters from this Commission relative to what action he should take to keep said permit in good standing, his failure to comply with suggestions of the Commission seems to have been through ignorance or because of bad advice from others upon whom he depended. As he does not anticipate operating in the future in any other manner than as he has been operating for the past 9 years, we cannot see where the granting of the application would impair the service of any common carriers with adequate authority serving in the same area, and the granting of the application would not make any change whatsoever in the present competitive situation.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be considered as an application under our Decision No. 34504, of date March 31, 1950, for an order making said temporary permit permanent, and for an order re-issuing to Richard Cohn a private carrier permit, bearing the same number as the one originally held.

That said application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That the instant application be, and is hereby, considered a motion to make permanent, under the provisions of Decision No. 34504, of date March 31, 1950, the instant permit which was originally issued as a temporary authority, and as such the motion should be granted.

That the said Richard Cohn be, and is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

livestock between points within the area extending seven miles west, ten miles east, ten miles north and ten miles south of Center, and from and to points in said area, to and from Alamosa, Pueblo, Colorado Springs and Denver, and the transportation of farm products between points in the same area, and from points in said area to Monte Vista and Alamosa, with the right to haul farm supplies between points in said pick-up area, and to back-haul farm supplies from Alamosa and Monte Vista, limited to the use of one truck of the type and capacity approved in the original order granting the permit,

said permit to bear the number "B-3016," being the number of the original permit formerly held by him.

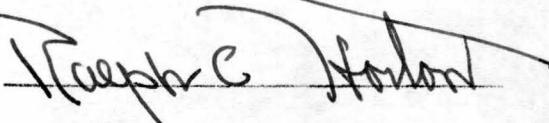
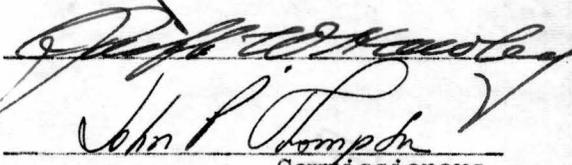
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 1st day of June, 1956.

mls

original

(Decision No. 45890)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. O. MONDRAGON, LA JARA, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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APPLICATION NO. 14398-PP

-----  
June 1, 1956  
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Appearances: R. O. Mondragon, La Jara,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, R. O. Mondragon, La Jara, Colorado, seeks a Class "B" private carrier permit for the transportation by motor vehicle for hire, of milk and other dairy products within a radius of fifty miles of Alamosa for pick up at farms, with delivery to Alamosa Milk Company, Alamosa, Colorado, and Frink Creamery Company, Sanford, Colorado, with return of empty cans and milk patron supplies, excluding any service on the Don Westbrook Route.

Said application was set for hearing at the Court House in Alamosa, Colorado, for May 23, 1956, and then transferred to the City Hall at Alamosa, Colorado, where the matter was heard and taken under advisement.

Applicant testified that he has been hauling milk and other dairy products under a lease arrangement with Frink Creamery Company within the area applied for during the past 4½ years, serving 50 customers at the present time. He owns a 1954 1½-ton Ford van type truck and a 1955 1-ton Dodge stright truck, and his net worth is \$3,500.

There is no other carrier offering similar service in the area.

Robert R. Frink, Secretary of Frink Creamery Company, with a

plant at Sanford, Colorado, appeared in support of the application. His company has suggested to all truckers hauling milk that they obtain private carrier authorities. Applicant has performed satisfactory service and his service is needed by his customers.

No one appeared in opposition to favorable action on the application, and it does not appear that the granting of the instant application will impair the adequate service of common carriers operating in the area applied for.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That R. O. Mondragon, La Jara, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk and other dairy products to Alamosa Creamery Company and to Frink Creamery Company at Sanford, Colorado, with return of empty cans and milk patrons' supplies, from the following territory, to-wit:

Points within a radius of 50-miles of Alamosa, Colorado, excepting therefrom the area bounded by the following highways, to-wit: From La Jara west on State Highway No. 15, to Capulin, thence north on the Gun-barrel Road to Monte Vista; thence east on U. S. Highway No. 160, through Alamosa, to Fort Garland; thence south to San Luis; thence west on State Highway No. 136, through Sanford, to the point of beginning.

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

Raymond C. Horton

John P. Thompson

Commissioners.

Dated at Denver, Colorado,  
this 1st day of June, 1956.

mls

original

(Decision No. 45891)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD WESTBROOK, SANFORD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS )  
A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 14402-PP

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June 1, 1956  
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Appearances: Donald Westbrook, Sanford,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Donald Westbroo, Sanford, Colo-  
rado, seeks a Class "B" permit to operate as a private carrier by motor  
vehicle for hire for the transportation of milk and other dairy products  
within the area encompassed by the following highways: from La Jara  
west on Colorado State Highway No. 15 to Capulin, thence north on the  
Gunbarrel Road to Monte Vista, thence east on U S. Highway No. 160  
through Alamosa to Ft. Garland, thence south to San Luis, thence west  
on Colorado State Highway No. 136 through Sandford to point of be-  
ginning, for pick-up from farms with delivery to Alamosa Milk Company,  
Alamosa, Colorado, and Frink Creamery Company, Sanford, Colorado, with  
return of empty cans and milk patrons supplies.

Said application was set for hearing, with appropriate  
notice to all interested parties, at the Court House, Alamosa, Colorado,  
for May 23, 1956, and then transferred to the City Hall at Alamosa, Colo-  
rado, where the matter was heard and taken under advisement.

Applicant testified that he has been hauling milk and other  
dairy products from the area applied for during the past five years, for  
the Alamosa Milk Company, Alamosa, Colorado, and Frink Creamery Company,

Sanford, Colorado, and is now serving 45 customers. He owns a 1952 Ford van type truck, and his net worth is \$8,000. There is no other carrier offering similar service in the area in which he operates.

Three milk producers appeared in support of the application: John Glynn, Raymond Glynn and Dan Guyman, all of whom are being served by applicant under Frink leases. All testified they need applicant's service, and that same is satisfactory.

Robert R. Frink, Secretary of Frink Creamery Company with a plant at Sanford, testified that all truckers transporting milk for Frink had been requested to obtain private carrier authorities. Applicant has performed satisfactory service during the past five years, and his service is needed.

No one appeared in opposition to favorable action on the application and it does not appear that the granting of the application will impair any adequate service of common carriers operating in the territory applied for.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Donald Westbrook, Sanford, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk and other dairy products from farms within the area described as follows, to Alamosa Milk Company at Alamosa, Colorado, and Frink Creamery Company, Sanford, Colorado, with return of empty cans and milk patrons' supplies, said base are being as follows:

The area bounded by the following highways:  
from La Jara west on State Highway No. 15 to  
Capulin; thence north on the Gunbarrel Road  
to Monte Vista; thence east on U. S. Highway  
No. 160 through Alamosa to Fort Garland;  
thence south to San Luis; thence west on State  
Highway No. 136 through Sanford to the point  
of beginning.

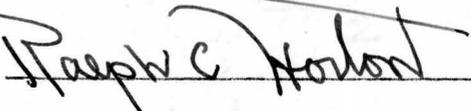
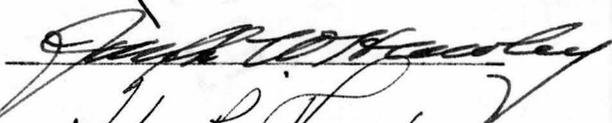
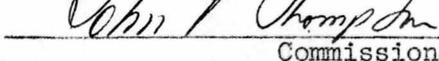
That all operations hereunder shall be strictly contract  
operations, the Commission retaining jurisdiction to make such amend-  
ments to this permit deemed advisable.

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 de-  
pend 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 1st day of June, 1956.

mls

original

(Decision No. 45892)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VERL GILDER, 323 MADISON STREET, )  
MONTE VISTA, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE )  
FOR THE TRANSPORTATION OF LOGS AND )  
LUMBER WITHIN A 75-MILE RADIUS OF )  
SAGUACHE, COLORADO; BETWEEN SAGUACHE, )  
COLORADO AND DENVER, COLORADO, AND )  
INTERMEDIATE POINTS, VIA U. S. 285, )  
U.S. 50, COLORADO 115, AND U.S. 85-87.)  
-----)

APPLICATION NO. 14399-PP

-----  
June 1, 1956  
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Appearances: Conour and Conour, Esqs.,  
Del Norte, Colorado,  
for Applicant;  
Ernest Porter, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

The instant application was regularly set for hearing at the Court House in Alamosa, Colorado, for May 23, 1956, then being transferred to the City Hall in Alamosa.

When this matter was called up for hearing, counsel for applicant represented to the presiding Commissioner that applicant was not able to appear for hearing on the application at the time set, and requested that the hearing be vacated, and the application set for hearing at some future time at the convenience of the Commission.

There was no protest to the proposed action.

F I N D I N G S

THE COMMISSION FINDS:

That hearing in the instant matter should be vacated, and the application re-set for hearing at some future time, at the convenience of the Commission.

O R D E R

THE COMMISSION ORDERS:

That the hearing in Application No. 14399-PP be, and the same is hereby, vacated, to be re-set at some future time convenient to the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



*Ralph C. Gordon*  
*John P. Thompson*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of June, 1956.

ea

original

(Decision No. 45893)

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, 1531 STOUT STREET, )	APPLICATION NO. 14331
DENVER, COLORADO, TO WITHDRAW THE )	
AGENT AT BLANCA, COLORADO. )	
----- )	

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June 1, 1956  
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Appearances: Ernest Porter, Esq.,  
Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, filed April 16, 1956, The Denver and Rio Grande Western Railroad Company seeks authority to withdraw its agent at Blanca, Colorado, and to thereafter maintain said station as a non-agency station.

Said application was set for hearing at the Court House in Alamosa, Colorado, for May 23, 1956, due notice being given to all interested parties, and at that time the hearing was transferred to the City Hall at Alamosa, Colorado, and the application was there heard and taken under advisement.

Evidence was presented in support of the application by Edward H. Waring, Division Superintendent, and Edward S. Hughes, Chief Clerk of applicant, with offices in Denver, Colorado.

It appears from the evidence that Blanca is a station on applicant's railroad approximately four miles west of the agency station of Fort Garland, Colorado, both of said points being located on U. S. Highway No. 160, which is a paved, trans-continental highway. No agent is required at the Blanca station for the safe operation of the train service on the railroad.

While Blanca is the interchange point of cars and traffic between applicant and the Southern San Luis Valley Railroad Company, no agent is required at Blanca for the proper handling of the agency work incident to such interchange, as this work can be satisfactorily handled by the agent at Fort Garland, to which station such work will be transferred if the agency at Blanca is discontinued.

The witnesses identified Exhibit No. 1, a statement of the revenues and out-of-pocket expenses of applicant at Blanca for the Years 1953, 1954 and 1956. The net loss for the three years was \$3,637.38, \$4,454.54, and \$4,500.67, respectively. The out-of-pocket expenses are broken down into 9 categories, and the revenue reported on a monthly basis for the entire period. For the three-year period, the revenue from carload freight forwarded was \$160.60, \$108.85, and \$699.58, and from less-than-carload freight, \$2.37, \$8.85 and \$9.93, respectively.

Revenue from freight received was, on carloads \$1,679.88, \$912.21 and \$568.76; and on less-than-carload freight, \$164.16, \$99.44 and \$72.65 for the respective years. During the year 1955, a total of but 7 carload shipments were consigned for delivery to consignees at the Blanca station, and but 2 carload shipments were destined from said station. Less-than-carload shipments are handled to and from Blanca by Rio Grande Motorway in substituted motor for rail service, with store-door delivery to the consignee. During 1955, but 36 of such shipments were received at Blanca by rail and only four consigned over applicant's railroad from said point.

The witnesses identified other expenses properly chargeable to the Blanca station which are related to transportation rather than to the station expense. If these expenses were to be added to the out-of-pocket expenses shown by Exhibit No. 1, the total expenses for the three-year period would be as follows: 1953, \$4,737.62; 1954, \$5,481.32; and 1955, \$5,192.07. The net loss would be increased accordingly.

Exhibit No. 2, identified by the witnesses, shows the express business handled by the Railway Express Agency at Blanca during the three-year period referred to. Revenue on incoming express amounted to \$2,244.90, an average of \$748.30 per year; and on outgoing shipments, \$246.77, an average of \$82.26 per year. For the first three months of 1956, these revenues amounted to totals of \$182.53 and \$4.03 on incoming and outgoing shipments, respectively. During the three-year period, the incoming shipments numbered 590, or an average of 197 per year, and the outgoing shipments numbered 49, or an average of 16 per year. During the first three months of 1956, there were 38 incoming shipments and 2 outgoing shipments. Applicant's revenue from this source is included in its report of revenues from all sources.

In the event of the withdrawal of the agent at Blanca, the less-than-carload shipments will be handled by Motorway, as at present, the consignee receiving his freight by presenting his Bill of Lading to the agent at Fort Garland. Express shipments will be handled in the same manner, as the railroad agent at Fort Garland is also agent for the Express Company. There is free telephone service between Blanca and Fort Garland, and outgoing Western Union messages could be telephoned to Fort Garland instead of to Blanca, and incoming messages handled in the same way. Blanca would become a prepay station. On outgoing carload shipments, a request for a car to be set out would be telephoned to Pueblo, and the shipping orders handled by the Fort Garland agent, who would also handle the interchange business above referred to. There has been a shortage of qualified agents during the past two or three years, and the local agent would be protected in his employment by his seniority rights.

Although notice of the filing of the instant application and the Notice of Hearing thereon were given to all parties who might have an interest therein, no one appeared at the hearing to protest favorable action on the application.

The Commission is satisfied from the evidence that the revenue attributable to the station at Blanca does not justify the out-of-pocket expense of its operation.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement should be incorporated herein by reference.

That public convenience and necessity no longer require the maintenance of an agent by applicant at its station at Blanca, Colorado, and the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That The Denver and Rio Grande Western Railroad Company be, and it hereby is, authorized to withdraw its agent at Blanca, Colorado, and to hereafter maintain the same as a prepay or non-agency station.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Ralph C. Hobart  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of June, 1956.

ea

original

(Decision No. 45894)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
E. E. JAMESON, SR., DOING BUSINESS )	
AS "DENVER SHIPPING AND INSPECTION )	
BUREAU," 2118 STOUT STREET, DENVER, )	
COLORADO, FOR A CERTIFICATE OF PUB- )	APPLICATION NO. 14314
LIC CONVENIENCE AND NECESSITY TO )	
OPERATE AS A COMMON CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

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June 1, 1956  
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Appearances: Henry S. Sherman, Esq.,  
 Denver, Colorado,  
 for Applicant;  
 Harold D. Torgan, Esq.,  
 Denver, Colorado, for  
 Duffy Storage and Moving  
 Company, Johnson Storage  
 and Moving Company;  
 H. D. Hicks, Denver, Colo-  
 rado, for Weicker Transfer  
 and Storage Company.

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 for hire, for the transportation of general commodities, between points within the City and County of Denver, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 24, 1956, at 10:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 23, 1956, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing, Frank L. Norris testified that he is Manager of Denver Shipping and Inspection Bureau, owned by Applicant E. E. Jameson; that the business had been engaged in the transportation of general commodities in the City and County of Denver since 1949, using three trucks; that in said transportation, applicant had not transported heavy commodities; that applicant's net worth was \$125,000.00, as set forth in his financial statement on file with the Commission.

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.

Report of the Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service sought by his application; that he is engaged in transportation of general commodities, except heavy commodities, in the City and County of Denver, and that he was so engaged on January 1, 1955, being the effective date of Constitutional Amendment giving The Public Utilities Commission of the State of Colorado jurisdiction over common carriers in home-rule cities, thereby establishing "Grandfather Rights."

Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of E. E. Jameson, Sr., doing business as "Denver Shipping and Inspection Bureau," Denver, Colorado, for the transportation of general commodities, except commodities which, because of size or weight, require special equipment, between points within the City and County of Denver, State of Colorado, and his 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.

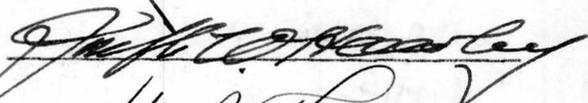
That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

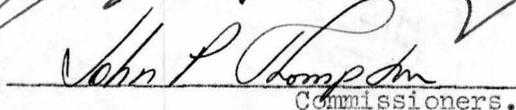
That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 1st day of June, 1956.  
ea